

Data Protection Act of 2021

Background

Personal data is collected by companies, organizations, and government agencies without the knowledge or consent of individuals. Unrestricted collection of data can directly impact the opportunities for an individual to secure employment, insurance, credit and housing, and other implications. Lawlessness in the digital space is giving way to new forms of injustice. Foreign adversaries now target the personal data of Americans collected by U.S. companies and government agencies. The United States needs a new approach.

The U.S. is one of the few democracies in the world without a federal data protection agency. As data and technology continue to challenge existing paradigms of society and democracy, the U.S. needs a federal agency focused on safeguarding the personal data, and civil liberties, of Americans.

The **Data Protection Act of 2021** would create an independent federal agency to promote data protection in the United States. The DPA has three core missions: 1) work to protect Americans' data, enforce data protection rules and civil rights online, and protect individuals from data discrimination, 2) work to maintain the most innovative, successful tech sector in the world and ensure fair competition within the digital marketplace, and 3) prepare American government for the digital age.

More specifically, the DPA would:

- Safeguard the personal data of individuals; prevent, remediate, and reduce discrimination and disparate impacts through the processing of personal data; and limit the collection, use, and sharing of personal data,
- Oversee high-risk data practices, ensuring data processing and algorithms are fair, just, non-deceptive, and non-discriminatory,
- Examine the social, ethical, economic, and civil rights impacts of data collection practices and propose remedies,
- Promulgate rules to protect the privacy and security of personal data,
- Include an Office of Civil Rights to advance data justice and protect individuals from discrimination,
- Enforce privacy statutes and rules as authorized by Congress, with a broad range of tools including civil penalties, injunctive relief, and equitable remedies,
- Take complaints, conduct investigations, and inform the public on data protection matters,
- Develop model privacy and data protection standards, guidelines, and policies for use by the private sector,
- Represent the United States at international forums regarding data privacy, and
- Advise Congress on emerging privacy and technology issues.

Composition of the Agency

The Data Protection Agency will be an Executive agency. The Director is appointed by the President and confirmed by the Senate, must have knowledge in technology, protection of personal data, civil rights, and law, and serves a 5-year term.

- The Agency may investigate, subpoena for testimony or documents, and issue civil investigative demands.
- The Agency may prescribe rules and issue orders and guidance as is necessary to carry out federal privacy laws.
- The authority of state agencies and State Attorneys General are preserved in the Act.