Collection and Use of Personally Identified Data Act

To: Drafting Committee, ABA Advisor, and Observers

From: Harvey Perlman, Chair

You should have received by now a draft of a data privacy act that will form the basis for our discussion in Washington on February 21-22.   We should all feel indebted to our Reporter, Bill McGeveran, for his largely superhuman work in getting us a draft in such a short period of time.   We will not send a traditional "issues memo" because each provision provides an issue to be discussed.

I do want to put the draft into context. It is NOT a "proposed" draft in the sense that either I or the Reporter are committed to each provision.   It is a "discussion" draft. Its purpose is to largely survey the landscape of issues associated with the collection and use of personal data.   We wanted to be sure discussion would be triggered on the important issues, but substantively, everything is up for review and revision.   There may also be areas that we have not included.   We will be open to considering them as well.

Most of the sections have been adapted from existing enactments or proposals, such as the California enactment, the European's GDPR, or other state and federal proposals. Bill will attempt to send you links to many of these by end of this week.

If any of you have positions or substitute language you would like the committee to consider, you may send a copy to Lucy Grelle (lgrelle@uniformlaws.org) and time permitting, she will distribute to all of us. Of course you will be free to make suggestions or propose revisions at the meeting as well.

Agenda for First Meeting

[We will meet from 9:00 a.m. to 5:00 p.m. on both Friday and Saturday, Feb. 21-22. Dress is casual.   The meeting is at the Madison Hotel. Meeting room will be posted.]

1. Introductions

2. Description of the Uniform Law Commission process (Perlman)

3. Description of the Drafting Committee Process (Perlman)

4. Introduction and Context of the Draft (McGeveran)

5. Discussion of the draft

   a. General discussion

   b. Section by Section