April 23, 2020

Harvey Perlman, Chair
William McGeveran, Reporter
Collection and Use of Personally Identifiable Data Committee
Uniform Law Commission
111 N. Wabash Ave
Suite 1010
Chicago, IL 60602

Dear Chairman Perlman and Reporter McGeveran:

The American Bankers Association and the undersigned state bankers associations, representing banks of all sizes, respectfully submit this comment for consideration by the Uniform Law Commission in response to the most recent draft of the proposed Collection and Use of Personally Identifiable Data Act. We appreciate the opportunity to provide input on the latest draft and would be happy to discuss the following suggested change at your convenience.

Our respective members are strong proponents of protecting consumer data and privacy, and are subject to extensive federal privacy and data protection laws, regulations, and oversight. Unlike other sectors, where statutory or regulatory violations must occur prior to authorities being made aware of a problem, financial institutions are required to undergo regular, in-depth examinations that ensure their compliance with data protection and privacy laws, such as the Gramm-Leach-Bliley Act (“GLBA”). We appreciate the inclusion of an exception for information subject to Title V of the GLBA in the second release from the Committee. However, limiting the exception to information subject to the GLBA (as opposed to financial institutions subject to the GLBA) ignores the carefully constructed financial privacy regime enacted by Congress that provides an effective and successful balance between strong consumer protections and ensuring that consumer financial transactions take place in a safe and secure environment. Going forward, an exception for financial institutions subject to the GLBA should be included in any privacy legislation enacted by the states. In furtherance of this effort, and in recognition of the robust regulatory privacy framework and oversight financial institutions are subject to, the undersigned organizations recommend section 3(b)(4) of the Draft Act be amended to read:

A financial institution subject to Title V of the federal Gramm-Leach-Bliley Act of 1999 (15 U.S.C. §6801 et seq.), and the implementing regulations promulgated thereunder

Again, we greatly appreciate the Drafting Committee’s consideration of our recommendation and look forward to continued participation in the drafting process.

Sincerely,

American Bankers Association
Alabama Bankers Association
Alaska Bankers Association
Arizona Bankers Association
Arkansas Bankers Association
California Bankers Association
Colorado Bankers Association
Connecticut Bankers Association
Delaware Bankers Association
Florida Bankers Association
Georgia Bankers Association
Hawaii Bankers Association
Idaho Bankers Association
Illinois Bankers Association
Indiana Bankers Association
Iowa Bankers Association
Kansas Bankers Association
Louisiana Bankers Association
Maine Bankers Association
Maryland Bankers Association
Massachusetts Bankers Association
Michigan Bankers Association
Minnesota Bankers Association
Mississippi Bankers Association
Missouri Bankers Association
Montana Bankers Association
Nebraska Bankers Association
Nevada Bankers Association
New Hampshire Bankers Association
New Jersey Bankers Association
New Mexico Bankers Association
New York Bankers Association
North Carolina Bankers Association
North Dakota Bankers Association
Ohio Bankers League
Oklahoma Bankers Association
Oregon Bankers Association
Pennsylvania Bankers Association
Puerto Rico Bankers Association
Rhode Island Bankers Association
South Carolina Bankers Association
South Dakota Bankers Association
Tennessee Bankers Association
Texas Bankers Association
Utah Bankers Association
Vermont Bankers Association
Virginia Bankers Association
Washington Bankers Association
West Virginia Bankers Association
Wisconsin Bankers Association
Wyoming Bankers Association