

From: ABA Advisor Michael Aisenberg

Re: Drafting Committee on Collection and Use of Personally Identifiable Data Act

Date: April 2020

The Kerry article has the benefit of raising some important considerations of the use and protection of data in a technology-dependent ecosystem yet still retaining clear links to core principles of Privacy in a manner both useful and less likely to result in the Balkanization of 51 systems of implementing regulation which fail to be an interoperable whole. The absence of clarity at the Federal level must not become the excuse for further complexities and implementation barriers for protection of privacy interests in data in the states.

The important clarity of the Kerry article may not be THE consensus solution, but IMO it provides a very useful model approach both for future Federal legislation AND most importantly, the minimum necessary elements to be identified in our ULC work.

<https://www.brookings.edu/research/why-protecting-privacy-is-a-losing-game-today-and-how-to-change-the-game/>

Regards,

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