

State & Federal Privacy Legislation and Regulation

Discussion Lead: Jordan Francis and Keir Lamont

SESSION DESCRIPTION

Our session will delve into the latest developments in state and federal privacy legislation and regulation. This covers new data minimization standards, California's ongoing rulemaking efforts, and the House Energy & Commerce Committee's 'reset' on data privacy efforts. We'll explore the evolving legislative landscape and its implications for businesses and consumers alike.

**As privacy laws continue to evolve rapidly, the focus of our conversation may shift to address areas of critical importance.*

5–8 KEY DISCUSSION QUESTIONS

1. **California Rulemaking.**
 - a. The California Privacy Protection Agency is nearing the end of its [rulemaking process](#) on cybersecurity audits, risk assessments, and ADMT access & opt-out rights. In May, the Agency [narrowed the proposed regulations](#) fairly significantly in response to the comments they received. Did that placate compliance concerns, or are there any unresolved issues still lurking?
 - b. There is also a [DELETE Act](#) rulemaking running in parallel, as the Agency is looking to get the [DROP Mechanism](#) up and running. Do you have any reactions to the shifting standards for who needs to register as a data broker or the process for complying with bulk deletion requests?
2. **Data Minimization:** Data minimization has been a hot topic for the past few years, and [Maryland](#) arguably broke the mold last year when it enacted new restrictions that aims to tie the collection of personal data, and the processing of sensitive data to what is "strictly necessary" to provide or maintain a specific product or service requested by the consumer. As we approach that law's effective date, how are you thinking about compliance? Do you see Maryland's standard as meaningfully different? If so, how are you approaching compliance compared to other jurisdictions?
3. **Federal Legislation:** Congress has been giving mixed signals on privacy legislation this year. There seems momentum behind children's privacy in the Senate, and we saw the TAKE IT DOWN Act pass in April. Meanwhile, the House Energy & Commerce Committee Republican majority has established a working group for comprehensive privacy legislation and signalled a longer timeline for reaching consensus. How optimistic is everyone about the chances for federal privacy law this Congress (comprehensive or otherwise)?
4. **Children and Teens:** Youth privacy and online safety continues to be a priority for state and federal lawmakers and regulators. From the legislative side of things, we're seeing a few different types of activity: There are comprehensive privacy laws with duties of care to avoid heightened risk of harm. That's a model adopted in Connecticut, Colorado, and now Montana. There's the Age-Appropriate Design Code model under consideration in several states and enacted in California and Maryland. There is also significant ongoing litigation over age verification requirements, resulting in injunctions across the country. What are your priorities when it comes to youth privacy legislation, and what do you think are the biggest challenges in compliance, either right now or on the horizon?
5. **Health:** States continue to experiment with heightened protections for consumer health data. New York passed, but has not yet enacted, a broad bill similar to Washington State's My Health My Data Act. Virginia updated its Consumer Protection Act to prohibit obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual health information without a consumer's consent. How are you trying to harmonize across a broad set of frameworks—My Health My Data, Nevada's law, consumer health protections in Connecticut and Maryland, and now Virginia?

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6. **Location:** We're seeing increased scrutiny of the sale of sensitive data and, in particular, precise geolocation data. As policymakers are exploring blanket bans on sensitive data sales, how are you reacting to the trend of blanket prohibitions on certain data uses (regardless of consent)? Are there positive use cases, safeguards and controls, and responsible practices that you think policymakers are overlooking?

PRE-READ DOCUMENTS (optional)

- California: [CCPA Issues Revised Draft CCPA Regulations: Votes to Initiate Public Comment Period](#)
- Federal Legislation: [Chairman Guthrie and Vice Chairman Joyce Issue Request for Information to Explore Data Privacy and Security Framework](#)
- Children & Teens: [Amendments to the Montana Consumer Data Privacy Act Bring Big Changes to Big Sky Country](#)
- Health: [A View from DC: New York Readies to Pass an Extraordinary Health Privacy Law](#)
- Location: [FPF Mobility & Location March 2025 Working Group Call Notes](#)
- FPF Report: [Anatomy of State Comprehensive Privacy Law](#)