

## **US Senator Cantwell links privacy concerns to Supreme Court nominee**

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### **In Brief**

MLex Summary: With President Donald Trump set to make a nomination to the US Supreme Court to replace Justice Ruth Bader Ginsburg, US Senator Maria Cantwell said privacy issues should be part of the discussion in vetting Trump's choice. "The Supreme Court discussion that we're now having, I think will launch us into a very broad discussion of privacy rights and where they exist within the Constitution. To me this is incredibly important," Cantwell said.

Text of Cantwell statement follows in full:

Ranking Member Cantwell Warns of Privacy Implications of New SCOTUS Justice, Urges Passage of Privacy Bill With Strong Consumer Protections

Senator Cantwell Also Previewed a Coming Commerce Committee Report on the Economic Challenges Faced by Local Media

WASHINGTON, D.C. – U.S. Senate Committee on Commerce, Science, and Transportation Ranking Member Maria Cantwell (D-WA) reiterated the need for federal privacy legislation at today's Commerce Committee Hearing.

Ranking Member Cantwell said, "The Supreme Court discussion that we're now having, I think will launch us into a very broad discussion of privacy rights and where they exist within the Constitution. To me this is incredibly important."

The Consumer Online Privacy Rights Act (COPRA) that Ranking Member Cantwell introduced last year gives Americans control over their personal data; establishes strict standards for the collection, use, sharing, and protection of consumer data; protects civil rights; and penalizes companies that fail to meet data protection standards. The legislation also codifies the rights of individuals to pursue claims against entities that violate their privacy.

In the hearing, Cantwell criticized how other privacy bills do not fully protect consumers in the way COPRA does: "These bills allow companies to maintain the status quo, burying important disclosure information in long contracts, hiding where consumer data is sold, and changing the use of consumer data without their consent...Most strikingly, these bills would actually weaken consumer rights around the country by preempting stronger state laws."

During the Q&A portion of the hearing, California Attorney General Xavier Becerra reiterated the importance of consumers being able to enforce their own rights saying, "As I said in quoting our state senator, a right without a remedy is really not a right at all, because you can have rights on paper but if you can never enforce them, because the one enforcer, the state attorney general, is too consumed with other enforcement actions, then your right, essentially, it's in a privacy desert. And so, we have to make sure that consumers have their day in court, and they can enforce that right. And that's why it's so essential that along with our public enforcers, that we give consumers that opportunity.

I guarantee you, consumers would prefer to have the California Attorney General move their case

instead of them. But at the end of the day, if we don't have the capacity, then some of those consumers will take up the opportunity if they aren't given the right to go to court.”

The full text of the Consumer Online Privacy Rights Act (COPRA) can be found [HERE](#).

A one-pager on the legislation can be found [HERE](#).

Ranking Member Cantwell has long been a leading advocate for online protections for American consumers. As Congress has worked to develop privacy legislation, she has repeatedly called for comprehensive privacy protections. She has led the fight to protect and restore net neutrality rules to keep a free and open internet. She has also championed the importance of investing in cybersecurity measures throughout the U.S. economy and pushed federal agencies like the FTC to take a more robust role in protecting Americans from privacy threats.

Lastly, Senator Cantwell highlighted the importance of federal support for local journalism, and announced that the Commerce Committee Democrats will soon release a staff report describing in detail the dire economic straits that our critically important local journalism sector is facing. “I think local journalism in a COVID crisis is proving that it's valued information with the correct information on our local communities, and I think that this is something we need to take into consideration as we consider privacy laws and we consider these issues moving forward.”

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