

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

July 13, 2015

Mr. Jon Liebowitz
Co-Chairman
21st Century Privacy Coalition
1634 I Street, N.W. Suite 1200
Washington, D.C. 20006

Dear Mr. Liebowitz,

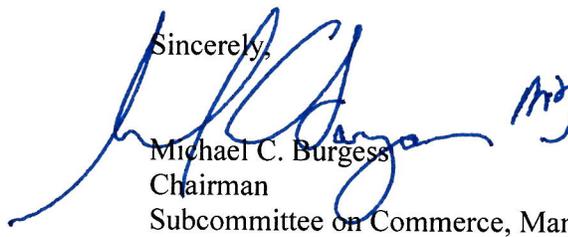
Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Wednesday, March 18, 2015, to testify at the hearing entitled "Discussion Draft of H.R. ____, Data Security and Breach Notification Act of 2015."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Monday, July 27, 2015. Your responses should be mailed to Kirby Howard, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to Kirby.Howard@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Michael C. Burgess
Chairman
Subcommittee on Commerce, Manufacturing, and Trade

cc: Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment

Additional Questions for the Record

The Honorable Michael C. Burgess

1. In your opinion, what benefit have class actions brought to consumers after a data breach?
2. The difference between security and privacy regulations has been described as the difference between protecting from unauthorized exposure and authorized, or permitted, sharing of information. Can you expand on why privacy and security are separate issues that have been handled separately by State governments, regulatory agencies, enforcement agencies, and self-regulatory industry bodies? Does the draft legislation disrupt privacy regulations either at the FTC or the FCC?
3. At the hearing, there was a discussion of information that is required to be secured under the Communications Act and whether or not it is included in the draft legislation. Please explain what information is not currently covered by the Communications Act but would be required to be secured, and individual's notified in the case of a breach of security, under this draft bill. If there is information that is currently covered by the Communications Act that is not covered by the bill, please identify that information with citations, any associated FCC regulations regarding that information with citations, and your opinion on whether that information could be used to perpetrate identity theft, economic loss or economic harm, or financial fraud.
4. Under current law, broadband internet providers are subject to the FTC's jurisdiction, including unfair and deceptive acts or practices. Would this draft legislation clarify what information is subject to security and notification requirements after a breach of security?
5. How would the security practices of private sector companies be improved under this bill versus the current state by state approach with most states having no security requirements?