



# Information Technology Industry Council

Committee on Energy and Commerce  
Subcommittee on Commerce, Manufacturing, and Trade  
March 18, 2015 Hearing

“Discussion Draft of H.R. \_\_\_\_, Data Security and Breach Notification Act of 2015”

Responses of Ms. Yael Weinman, VP, Global Privacy Policy and General Counsel  
Information Technology Industry Council (ITI)

Written Questions for the Record from the Honorable Michael C. Burgess to Yael Weinman

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- 1. We have heard a lot about the issues companies face complying with 47 different State data breach notification laws. How would your member companies navigate complying with 47 different State data security requirements? Does that change if the States include specific technical or process requirements?**

Navigating differing data security requirements would pose significant challenges, particularly if they included specific technical or process requirements. Different requirements could be conflicting and specific technical or process requirements could in fact lower the level of security in that they would mandate specific requirements rather than permitting entities to innovate and provide a greater level of security than that which might be specified in the letter of the law.

- 2. Why is the draft bill’s preemption of existing State laws important for both consumers and businesses?**

For businesses, preemption is important because it would streamline the notification process, enabling businesses to provide notices more consistently and efficiently, freeing up resources to address the numerous tasks that must be undertaken when a data breach occurs. Consistent notices would reduce confusion for businesses—particularly smaller businesses—as to how and when to notify their customers who reside in different states, each requiring a different type of or content for notification and under differing circumstances.

For consumers, preemption would ensure consistent notices across states and jurisdictions thereby reducing consumer confusion that may result from the variances of the method of data breach notifications, the content of such notifications, and the circumstances of such notification. Reducing consumer confusion is paramount in ensuring that consumers take appropriate action upon notification of a data breach.