



February 27, 2023

The Honorable Gus Bilirakis
Chairman

The Honorable Jan Schakowsky
Ranking Member

House Subcommittee on Innovation, Data, and Commerce

RE: March 1, 2023 subcommittee hearing on “Promoting U.S. Innovation and Individual Liberty through a National Standard for Data Privacy”

Dear Chair Bilirakis and Ranking Member Schakowsky,

The Insights Association (IA), the leading nonprofit trade association for the market research and data analytics industry (also known as the insights industry), is heartened by the March 1, 2023 hearing in the House Energy and Commerce Committee Innovation, Data, And Commerce Subcommittee on federal privacy legislation and your commitment to continue to try to craft a preemptive national privacy law.

IA needs to highlight three key points for the Subcommittee to consider during this hearing and as you continue work on such legislation: market research should be allowed to function; Congress should set a national privacy standard; and the Privacy for America framework provides a model approach for legislation.

1. **Market research needs to be permitted to function.** Our more than 7,100 members are the world’s leading producers of intelligence, analytics and insights measuring and defining the needs, attitudes and behaviors of consumers, organizations and their employees, students and citizens. With that essential understanding, leaders can make intelligent decisions and deploy strategies and tactics to build trust, inspire innovation, realize the full potential of individuals and teams, and successfully create and promote products, services and ideas. Any legislation you consider should not unnecessarily restrict companies and organizations from using data to better the products, services and ideas they offer to consumers or conduct research on the markets for their offerings (and public policies). Innovation and developments in products, services and ideas work to benefit consumers and citizens.
2. **Congress should set a national privacy standard, not the Federal Trade Commission (FTC).** The regulation of the modern economy, which is data-driven in every way, should be a matter left to the democratically-accountable legislative branch. Agencies like the FTC should act only when directly instructed to do so by Congress through specific authorities contained in legislation. A national standard for data collection and processing should be set

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at the federal level, through the clear authority granted by the American people and the Constitution in Congress.

3. **The Privacy for America Framework provides a model approach for privacy legislation.** The Subcommittee can look to the Privacy for America Principles of Privacy Legislation¹ as an example of how to strike an appropriate balance for national data standards. The Framework would designate certain uses of personal information to be reasonable and others to be per se unreasonable (and thus prohibited). The Framework prioritizes consumer protection while still preserving beneficial uses of data and access to a vibrant online ecosystem.

Thank you for your consideration of these points for your March 1st hearing. IA anticipates working closely with Congress as it continues to evaluate and develop approaches to preemptive, comprehensive, privacy legislation. Please reach out with any questions or concerns.

Sincerely,

Howard Fienberg
Senior VP, Advocacy
Insights Association

CC: House Innovation, Data, And Commerce Subcommittee members

¹ Privacy for America, Principles for Privacy Legislation (2019)
<https://www.privacyforamerica.com/overview/principles-for-privacy-legislation/>.