



June 20, 2022

CONGRESS ANNOUNCES BIPARTISAN PRIVACY BILL

On June 3, 2022, a bipartisan group of legislators from the House and Senate announced a data privacy bill titled the American Data Privacy and Protection Act ("ADPPA"). While there are many hurdles the bill must overcome before it is enacted, the bipartisan group of legislators hope this announcement will be the first step towards improving United States privacy laws.

The ADPPA contains similar provisions to those in currently enacted state privacy laws. The ADPPA applies to covered entities, meaning (i) any entity that collects, processes or transfers covered data and (a) is subject to the Federal Trade Commission Act; (b) is a common carrier subject to title II of the Communications Act of 1934; or (c) is an organization not organized to carry on business for their own profit or that of their members; and (ii) includes any entity or person that controls, is controlled by, is under common control with or shares common branding with another covered entity.

The ADPPA provides that the FTC would be responsible for issuing guidance and promulgating rules applicable to the ADPPA. The FTC and state attorney generals would be responsible for enforcement under the ADPPA. A notable section of the ADPPA creates a private right of action for consumers to recover compensatory damages and obtain injunctive or declaratory relief along with reasonable attorneys' fees. The ADPPA provides an exemption for covered entities that are in compliance with the Gramm-Leach-Bliley Act. We will continue to monitor the ADPPA and periodically provide updates throughout the legislative process.



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