



COMPREHENSIVE FEDERAL PRIVACY LEGISLATION

Individual Rights to Data



Individuals rightly perceive that they lack control over how information about them is collected, shared, or used in today's digital economy. A Pew Research survey found that 91% of those surveyed believed that they have lost control over how personal information is used by companies, and similarly large percentages of Americans express concerns about the accuracy of this information. Granting individuals affirmative rights with respect to their personal information is one mechanism to address these fears.

Access, correction, and deletion rights are basic requirements of any federal privacy law

In addition to these rights providing important consumer protections, they are also foundational to interoperability with existing data protection frameworks. Many companies already provide these rights under the EU General Data Protection Regulation, and access and deletion rights are core components of new state privacy laws like the California Consumer Privacy Act. CDT's legislative privacy proposal establishes a suite of affirmative rights to personal information nationally.

Access to information provides consumers with autonomy and agency over their digital selves

It is hard to manage personal information if you do not know what information a company holds about you. A data access request to the Tinder dating app, for example, resulted in one user receiving approximately 800 pages of information about her online dating activities. This information gave the user insight into the wealth of information she was implicitly disclosing to the app about her romantic desires and inclinations. Meaningful legislation must provide individuals the right to access both their personal information, including certain data inferred about them, and, importantly, the names of third parties to which that information is sold or licensed.

Individuals must be able to correct information when used for protected opportunities

A lot of information used to invade our privacy is inaccurate or messy. Judicious correction rights should be available where data can be used against individuals to deny them opportunities, such as where data is used to determine eligibility for credit, insurance, housing, or employment. Companies should be required to offer users the ability to correct information when that data relates to educational opportunities or their personal health and wellness.

Deletion and portability rights

Deleting information is an important privacy protection, but must be subject to carefully drawn exceptions to protect freedom of expression and other interests. Similarly, individuals should have the ability to download or port their data for their own use. Building on private efforts like the Data Transfer Project, CDT supports calls for the National Institute of Standards and Technology (NIST) to convene a working group to advance secure data portability.