



Three Corners Privacy Bill - An important step on an important issue, but still a ways to go

Off to a good start in several ways



Addressing a real problem that Americans actually care about.

When it comes to issues related to technology, Americans are overwhelmingly more concerned about the use and protection of their information than other issues of little to no concern.



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Covers all data collectors.

It focuses on privacy harms rather than arbitrarily targeting only certain companies or industries for regulation.

But needs to be expanded to treat all data collectors equally, such as not exempting collectors with less than \$41 million in annual revenue from important data security requirements.



Right to cure for injunctive relief & awards for actual damages.

The purpose of privacy laws is to protect consumers not to line the pockets of attorneys. This approach limits the possibility of creating a cottage-industry of “gotcha” class action lawsuits.

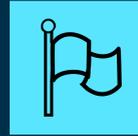
The legislation rightly recognizes the goal is to have data collectors comply, not punish accidents.



Includes a separate section on data security.

This addresses consumer concerns in a basic but flexible manner and respecting firm size when it comes to resources and expectations.

Issues that still need to be addressed



Fails to create a national standard.

Creating exemptions for categories of data and also state specific legislation, like specific carve outs for California and Illinois privacy laws, the Three Corners draft fails to create a national standard for data collectors and Americans alike.

As Americans seamlessly travel between states, their privacy protections and privacy expectations should do so as well.



Opens the door for exploitative and frivolous lawsuits.

Enables full private right of action just four years after enactment. The impact of such litigation has already been felt in Illinois where frivolous lawsuits under the BIPA (which is not preempted) have seen Illinoisans barred from access to certain technologies.



Makes it challenging for young people to use the web and learn.

Considers all data on those under the age of 17 as “sensitive.”



Price discrimination prohibition impacts more than just tech businesses

Impacting everything from sponsored surveys and frequent visitor discounts to options for free versions of an app with interest based ads.