

Protecting Consumers' Personal Information

Every day, countless Americans share their personal information with businesses to conduct transactions. In response, states have begun passing legislation requiring the private sector to adopt varying degrees of consumer privacy protections. This patchwork of state consumer information privacy laws poses a significant burden to medical professional liability (MPL) insurers that sell insurance products in multiple states. As Congress explores ways to protect consumer data, the MPL Association urges Congress to incorporate the following principles into federal legislation. These principles allow for the adoption of federal consumer data privacy measures that enhance transparency and protections related to consumers' personal information while also allowing for a realistic and appropriate path for insurers to comply with such measures.

- Adopt consumer information privacy standards that allow acknowledge the size and financial resources of covered entities.
- Avoid conflicts with other federal consumer data protection requirements, such as those in the Health Insurance Portability and Accountability Act (HIPAA), the Health Information Technology for Economic and Clinical Health (HITECH) Act, and the Gramm-Leach-Bliley Act (GLBA), or exempt entities from new requirements if they currently comply with such laws.
- Preempt state data privacy laws to avoid conflicts between state and federal requirements.
- Allow a covered entity to deny requests to alter or delete consumer data, with explanation, when the data needs to be retained to fulfill appropriate business transactions and legal requirements.
- Enable the sharing of personal information with third parties to conduct an appropriate business transaction or risk management analysis, and comply with legal requirements.
- Utilize a tiered system of civil penalties based on a covered entity's past behavior and corrective action to enforce requirements, rather than a private right of action.

Adopt Effective and Achievable Consumer Data Privacy Policies

For more information, please contact our Government Relations Department at (301) 947-9000 or governmentsrelations@mplassociation.org.