

ALASKA STATE CAPITOL

State Privacy Legislation

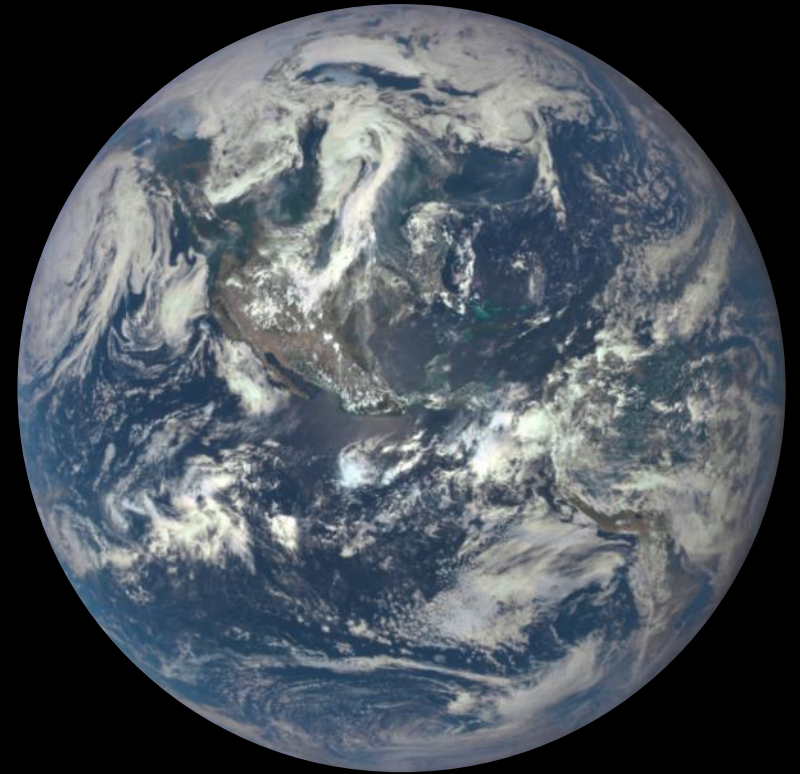
2022

Ryan Harkins
Senior Director, Public Policy



Microsoft mission

Empower every person and
every organization on the
planet to achieve more



Microsoft's aim:

Make AI available to
everyone

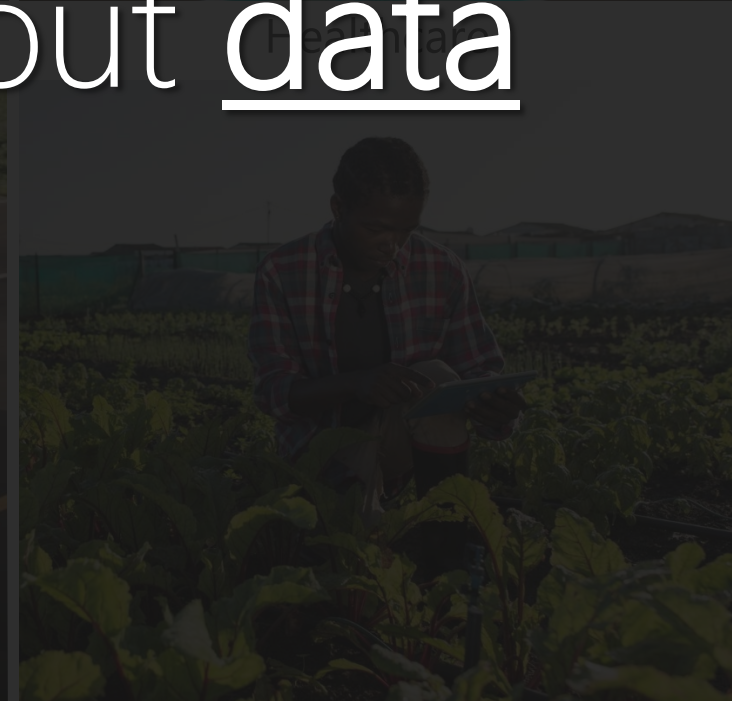
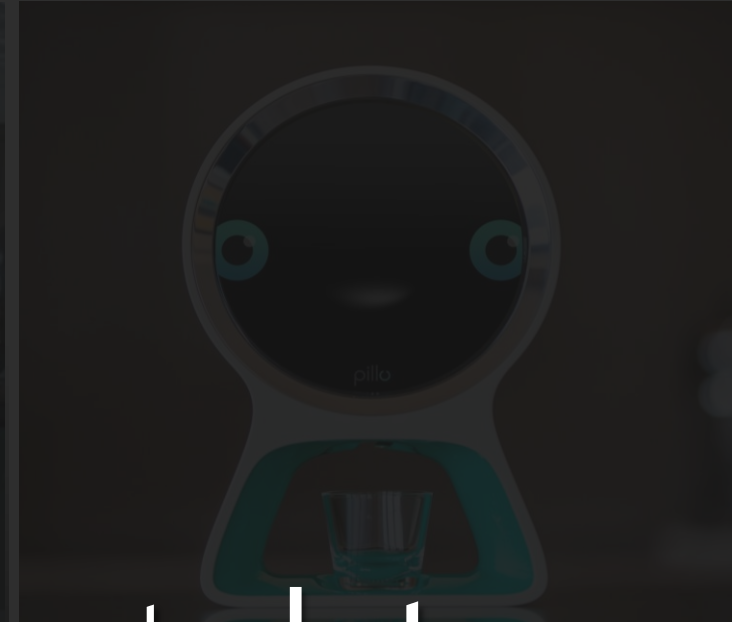
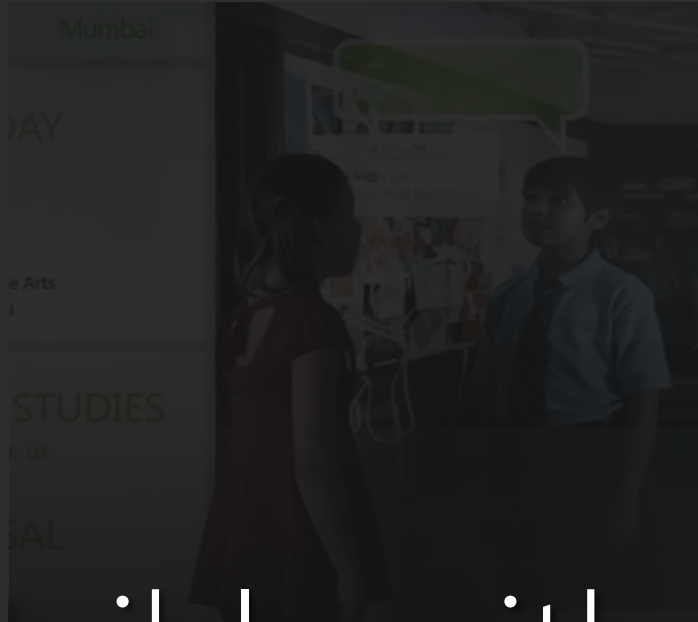


We are pursuing AI to empower every person and every institution ... so that they can go on to solve the most pressing problems of our society and our economy.

– Satya Nadella, CEO, Microsoft

The Promise
of Artificial Intelligence

This is not possible without data



Transportation

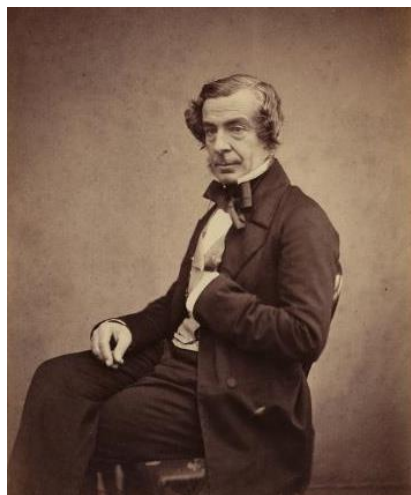
Agriculture



With opportunity come challenges



Privacy



The right to be let alone

HARVARD LAW REVIEW.

VOL. IV.

DECEMBER 15, 1890.

NO. 5.

THE RIGHT TO PRIVACY.

"It could be done only on principles of private justice, moral fitness, and public convenience, which, when applied to a new subject, make common law without a precedent; much more when received and approved by usage."

WILLES, J., in *Millar v. Taylor*, 4 Burr. 2303, 2312.

THAT the individual shall have full protection in person and in property is a principle as old as the common law; but it has been found necessary from time to time to define anew the exact nature and extent of such protection. Political, social, and economic changes entail the recognition of new rights, and the common law, in its eternal youth, grows to meet the demands of society. Thus, in very early times, the law gave a remedy only

California Law Review

VOL. 48

AUGUST 1960

No. 3

Privacy

*William L. Prosser**

IN THE YEAR 1890 Mrs. Samuel D. Warren, a young matron of Boston, which is a large city in Massachusetts, held at her home a series of social entertainments on an elaborate scale. She was the daughter of Senator Bayard of Delaware, and her husband was a wealthy young paper manufacturer, who only the year before had given up the practice of law to devote himself to an inherited business. Socially Mrs. Warren was among the élite: and the newspapers of Boston, and in particular the *Saturday*

RECORDS COMPUTERS AND THE RIGHTS OF CITIZENS

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108 13

YHABUJ

12-01 to 12-01-1973



Report of the Secretary's Advisory Committee
on Automated Personal Data Systems

U.S. Department of Health, Education & Welfare

July 1973

DHEW Publication NO. (OS) 73-94



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

SECRETARY'S ADVISORY COMMITTEE ON
AUTOMATED PERSONAL DATA SYSTEMS

June 25, 1973

Honorable Caspar W. Weinberger
Secretary of Health, Education,
and Welfare

Dear Mr. Secretary:

It is a privilege for me to submit this report to you on behalf of the Secretary's Advisory Committee on Automated Personal Data Systems. The Committee believes that the report makes a significant contribution toward understanding many of the problems arising from the application of computer technology to record keeping about people. Our recommendations provide the framework for general solutions and also specify actions to be taken both within HEW and by the Federal government as a whole.

We are grateful for the interest that you have expressed in our work. Both you and former Secretary Richardson deserve praise for responding to public concern about the issues posed by automation of personal-data record-keeping operations. We have greatly appreciated the opportunity to be of service to you and the Department, and, we hope, to all our fellow citizens.

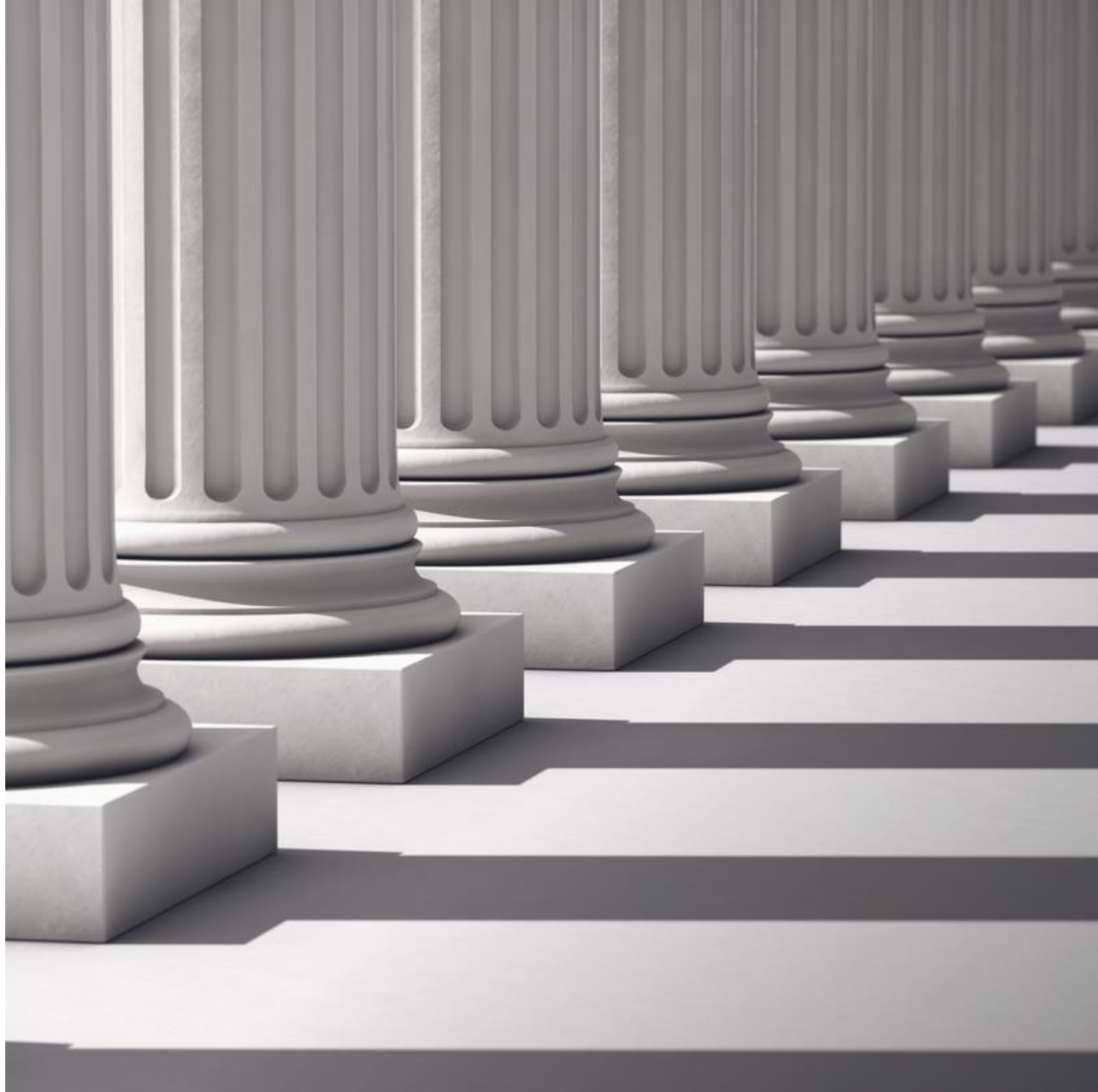
Our undertaking has required the cooperation of many agencies and organizations and the assistance of many individuals. We wish to thank everyone at HEW who helped us. The contributions of individuals who served as our immediate staff are acknowledged in the Preface to the report. We wish to note particularly the remarkable diligence and devotion to our task of our Executive Director, David B. H. Martin, and Associate Executive Director, Carole Watts Parsons.

Sincerely,

Willis Hware

Chairman

The United States:
Sectoral Privacy Laws



The EU Data Protection Directive



The General Data
Protection Regulation:
the global gold standard



TRUST







FEATURE

The Unlikely Activists Who Took On Silicon Valley — and Won

Mining personal data has become a trillion-dollar business — which is why activists are pushing laws to curb the practice, and why Facebook and other companies are desperate to stop them.



The New York Times

California Passes Sweeping Law to Protect Online Privacy

By Daisuke Wakabayashi

June 28, 2018



SAN FRANCISCO — California has passed a digital privacy law granting consumers more control over and insight into the spread of their personal information online, creating one of the most significant regulations overseeing the data-collection practices of technology companies in the United States.

The bill raced through the State Legislature without opposition on Thursday and was signed into law by Gov. Jerry Brown, just hours before a deadline to pull from the November ballot an initiative seeking even tougher oversight over technology companies.

The new law grants consumers the right to know what information



AN ACT Relating to the management and oversight of personal data;
adding a new chapter to Title 19 RCW; adding a new section to chapter
9.73 RCW; creating new sections; and providing an effective date.

1

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3

4

5

6 NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) The Legislature
7 finds that:

8 (a) Washingtonians cherish privacy as an element of their
9 individual freedom.

10 (b) Washington is a technology leader on a national and global
11 level and recognizes its distinctive position in promoting the efficient
12 balance of consumer privacy and economic benefits.

13 (c) Washington explicitly recognizes its citizens' right to privacy
14 in its Constitution under Article I, Section 7.

15 (d) There is rapid growth in the volume and variety of personal
16 data being generated, collected, stored, and analyzed. This growth has
17 the potential for great benefits to human knowledge, technological
18 innovation, and economic growth, but also the potential to harm
19 individual privacy and freedom.

The Privacy Landscape

General Data Protection Regulation (GDPR)

Replaced the Data Protection Directive and has been enforced since 2018.



May 2016

Washington Privacy Act (WPA) Introduced

The WPA was first introduced



January 2019

Virginia's Consumer Data Protection Act (CDPA)

VA introduced and **passed into law**, a WPA style bill



March 2021

Utah Consumer Privacy Act

UT legislature passes the UCPA



March 2022

California Consumer Protection Act (CCPA)

The first comprehensive privacy law in the United States **passed into law**.



June 2018

Federal Legislation Introduced

Several comprehensive privacy bills are introduced into Congress.



November 2020

California Privacy Rights Act (CPRA)

Amends key provisions from the CCPA and **passed into law**.

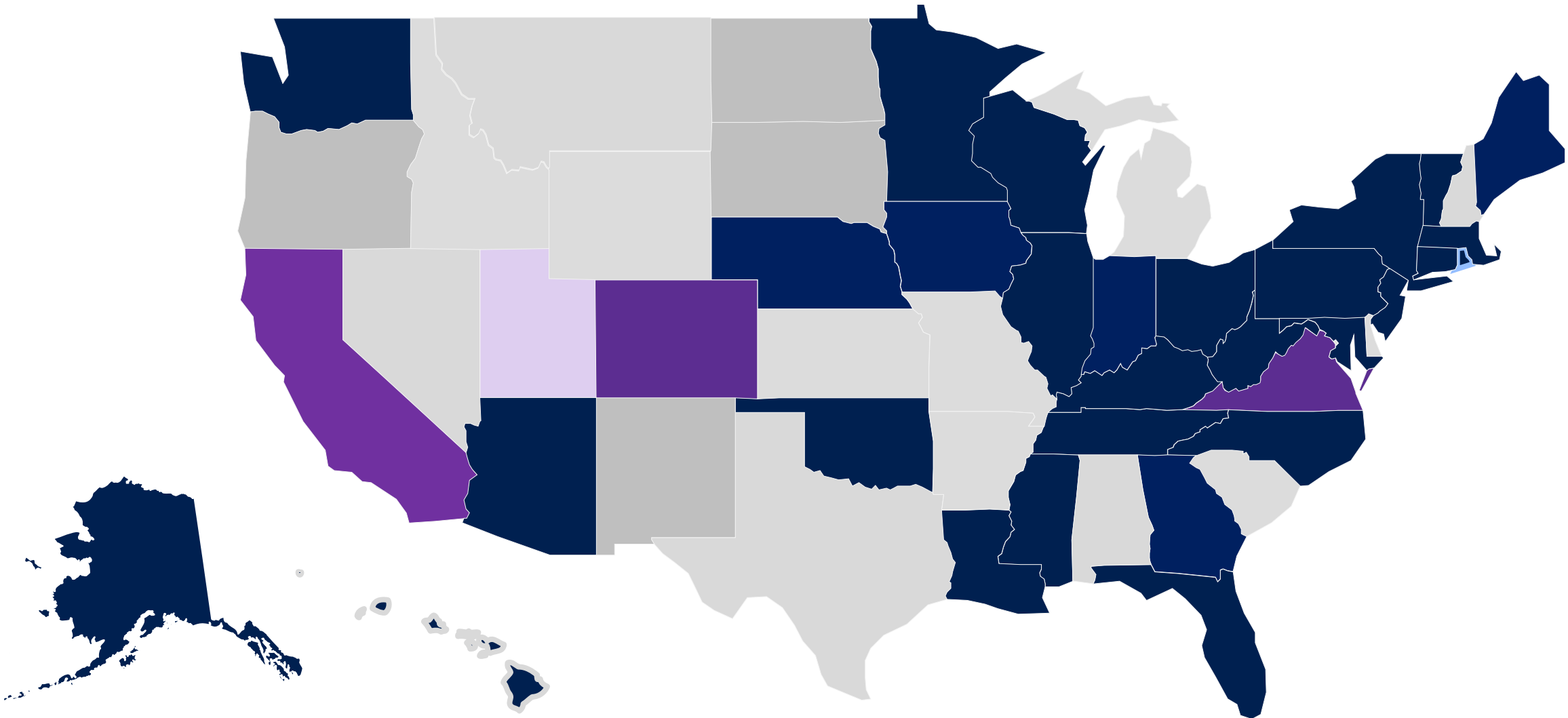


Colorado Privacy Act (CPA)

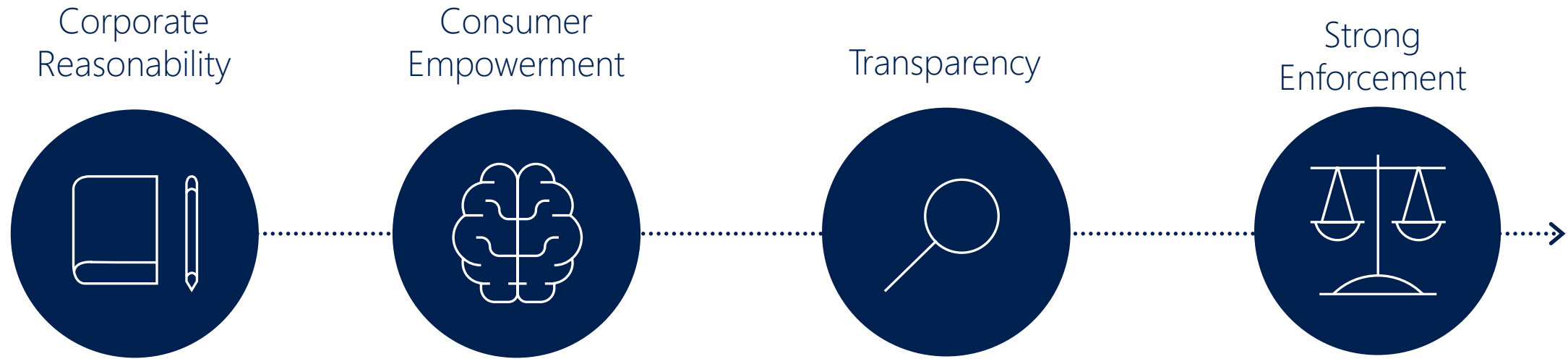
CO **passed into law**, a WPA style bill



State Privacy Laws and Legislation in 2022



Microsoft Privacy Priorities



Privacy Legislation: Key Issues

Enforcement: to PRA or not to PRA? That is the question.

Controller/Processor distinction

Defining data covered: identified and identifiable data

Deletion rights: CA, VA, or CO & GDPR

Consent rights

- Sensitive Data
- What other activities to cover?
 - Sales: monetary or other valuable consideration
 - Targeted advertising: first-party vs. third-party data collection
 - Consequential profiling
- Opt in or Opt Out?

Data Protection Impact Assessments

Lawful bases for processing

Other affirmative duties: fiduciary duties; abusive trade practices; limits on secondary use

A photograph of a vast, dense forest of evergreen trees covering a mountain slope. The trees are dark green and tightly packed. In the background, a valley opens up, showing more forested hills under a hazy sky. A faint rainbow is visible in the distance, arching over the valley. The overall lighting is soft and atmospheric.

Questions?