PRIVACY REF

Accountability

CIPP/US

PRIVACY REF

Adequate Level of Protection

CIPP/US

PRIVACY REF

Adverse Action

CIPP/US

The use of organizational and technical measures which demonstrate that personal data is handled in compliance with relevant law.

U.S. Private-Sector Privacy - CIPP/US

Confirmation that a data transfer accounts for the rule of law and legislation, respect for human rights, data protection rules, professional rules and security measures, data subject rights, independent supervisory authorities, and any international commitments.

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U.S. Private-Sector Privacy - CIPP/US

Any business, credit, or employment action that affects consumers negatively, such as denying or canceling credit, insurance, employment, or promotion.
A credit transaction where the consumer accepts a counteroffer would not count.

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PRIVACY REF

American Institute of Certified Public Accountants

CIPP/US

PRIVACY REF

Americans with Disabilities Act

CIPP/US

PRIVACY REF

Anti-discrimination Laws

CIPP/US

The U.S. professional organization of certified public accountants that co-created the WebTrust seal program.

A U.S. law that prohibits discrimination against certain individuals with disabilities

Indications of special classes of personal data. If these exist based on a class or status, it is likely that the personal information is subject to more prescriptive data protection regulation.

PRIVACY REF

APEC Privacy Principles

CIPP/US

PRIVACY REF

Background Screening/Checks

CIPP/US

PRIVACY REF

The Bank Secrecy Act

CIPP/US

A set of non-binding principles adopted by the Asia-Pacific Economic Cooperative (APEC) that mirror the OECD Fair Information Privacy Practices. These promote electronic business in the Asia-Pacific region with a balance of information privacy and business need.

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Verifying an applicant's ability to function in the working environment in a way that ensures the safety and security of existing workers. These could involve checking a person's educational background or past criminal activity. Employee consent requirements may be negotiated with work councils and varied by member state.

U.S. Private-Sector Privacy - CIPP/US

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A U.S. federal law requiring U.S. financial institutions, money services businesses, or entities that sell money orders or provide cash transfer services, to report, retain, and record qualified financial transactions to the federal government. This is meant to help the government investigate instances of money laundering, tax evasion, terrorist financing and other criminal activities.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Behavioral Advertising

CIPP/US

PRIVACY REF

Binding Corporate Rules

CIPP/US

PRIVACY REF

Binding Safe Processor Rules

CIPP/US

Advertising targeted at individuals based on the observations about their activity over time, most often done via automated processing of personal data, or profiling.

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An appropriate GDPR safeguard for cross-border transfers of personal data between two or more entities of a corporate group.
These ensure that the same high level of personal data protection is followed by all members of the group through a set of enforceable rules.

U.S. Private-Sector Privacy - CIPP/US

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Binding Corporate Rules that may now be used for both controllers and processors under the GDPR.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Breach Disclosure

CIPP/US

PRIVACY REF

Bring your own device (BYOD)

CIPP/US

PRIVACY REF

California Consumer Privacy Act

CIPP/US

An organization must notify regulators and/or victims of incidents that have impacted the confidentiality and security of personal data. This transparency mechanism brings light to operational failures, helps mitigate harm, and assists in the identification of causes of failure.

U.S. Private-Sector Privacy - CIPP/US

Allowing employees to use their own personal computing device for work.

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U.S. Private-Sector Privacy - CIPP/US

The first state-level comprehensive privacy law in the U.S. which applies to businesses that collect personal information from California consumers. This law created consumers' rights to access, deletion, opt-out of sale, and nondiscrimination while also imposing specific transparency and disclosure obligations. The precursor to the California Privacy Rights Act, which will enter into force Jan 1, 2023.

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PRIVACY REF

California Investigative Consumer Reporting Agencies Act

CIPP/US

PRIVACY REF

California Online Privacy Protection Act

CIPP/US

PRIVACY REF

California Privacy Rights Act

CIPP/US

The California state law establishing that employers must notify applicants and employees of any intention to obtain and use their consumer report.

U.S. Private-Sector Privacy - CIPP/US

This act requires that all websites targeted to California citizens must provide a privacy statement to visitors with an easy-to-find link. Websites that collect personal data from individuals under 18 years of age must permit those children to delete their data. Websites are required to inform visitors of which Do Not Track mechanisms they support, if any.

U.S. Private-Sector Privacy - CIPP/US

This act amended the California Consumer Privacy Act with more consumer privacy protections and an enforcement agency, the California Privacy Protection Agency. The provisions entering into force January 2023 will apply in retrospect up to January 2022.

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PRIVACY REF

Case Law

CIPP/US

PRIVACY REF

CCTV

CIPP/US

PRIVACY REF

Children's Online Privacy Protection Act (COPPA) of 1998

CIPP/US

Law principles established by judges in previous decisions. When similar issues come back up, judges use the prior decisions as precedents and keep new case decisions consistent.

U.S. Private-Sector Privacy - CIPP/US

An acronym for "closed circuit television" which has become shorthand for any video surveillance system. These can be hosted via TCP/IP networks and accessed remotely, and the footage very easily shared

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U.S. Private-Sector Privacy - CIPP/US

A U.S. federal law applying to operators of commercial websites and online services either directed to children under the age of 13 or known to collect personal information from children under the age of 13. Operators are required under this law to post a privacy notice on the website, provide notice about collection practices to parents, obtain verifiable parental consent before collecting personal information of children, give parents the choice about whether their child's personal information will be shared with third parties, provide parents with rights to access, delete, and opt out of future collection or use of the information, and maintain the confidentiality, security and integrity of children's personal information.

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PRIVACY REF

Choice

CIPP/US

PRIVACY REF

Cloud Computing

CIPP/US

PRIVACY REF

Collection Limitation

CIPP/US

The concept that consent must be freely provided and data subjects have a true choice whether to provide personal data or not, without which it is unlikely the consent would be considered valid under GDPR.

TInformation technology services provided over the Internet by organizations for internal users or third-party suppliers.
The service options may be software, infrastructure, hosting, or platforms for applications ranging from personal e-mail to corporate data storage.

The fair information practices principle which says that there should be limits in the collection of personal data, where data should be gathered y fair and lawful means with the knowledge or consent of the data subject.

PRIVACY REF

Commercial Activity

CIPP/US

PRIVACY REF

Commercial Electronic Message

CIPP/US

PRIVACY REF

Common Law

CIPP/US

This refers to any transaction, act or conduct, or any regular course of conduct that is commercial as defined by PIPEDA, which may include selling, bartering or leasing of donor, membership, or other fundraising lists. Non-profit associations, unions, and private schools may exist outside of this definition.

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Electronic messaging in any form, including e-mail, SMS text messages, and messages sent via social media where the purpose could be deemed asencouraging participation in a commercial activity. These may be electronic messages that offer to promote, purchase, sell, or lease products, goods, or services.

U.S. Private-Sector Privacy - CIPP/US

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Undocumented legal principles developed over time according to on societal expectations and customs.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Communications Privacy

CIPP/US

PRIVACY REF

Comprehensive Laws

CIPP/US

PRIVACY REF

Computer Forensics

CIPP/US

The class of privacy that encompasses protection of the means of correspondence, including mail, phone conversations, and e-mail

Laws governing the collection, use, and disclosing of personal information in both public and private sectors.

U.S. Private-Sector Privacy - CIPP/US

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Assessing and inspecting an information system for clues after being compromised or exploited.

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PRIVACY REF

Confidentiality

CIPP/US

PRIVACY REF

Confirmed Opt-In

CIPP/US

PRIVACY REF

Consent

CIPP/US

The principle that data should be protected against unauthorized or unlawful processing.

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An email consent for direct marketing where marketers send a confirmation email eliciting a response ahead of the actual marketing e-mail.

U.S. Private-Sector Privacy - CIPP/US

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The confirmation of an individual's agreement to the collection, use, and disclosure of their personal data.
There are two thoughts on this:
opt-in (making an affirmative action) and opt-out (implied by lack of action).

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Affirmative / Explicit Consent

CIPP/US

PRIVACY REF

Implicit Consent

CIPP/US

PRIVACY REF

Consent Decree

CIPP/US

The type of consent requiring that an individual indicate agreement with a data controller through active communication.

U.S. Private-Sector Privacy - CIPP/US

The type of consent that is inferred from the action or inaction of the individual.

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U.S. Private-Sector Privacy - CIPP/US

A judgment into which the parties enter by consent. The defendant usually agrees to stop alleged illegal activity and pay a fine, without any admission. A judge needs to approve and formalize the agreement reached between a U.S. federal or state agency and an adverse party.

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PRIVACY REF

Consumer Financial Protection Bureau

CIPP/US

PRIVACY REF

Consumer Reporting Agency

CIPP/US

PRIVACY REF

Cookie

CIPP/US

The independent bureau within the Federal Reserve created by the Dodd-Frank Act with enforcement power to take action against abusive acts and practices as included in the law.

AAny person or entity that assembles or evaluates personal information in order to provide consumer reports to third parties

A small text file stored on a client machine to be retrieved by a web server. These keep track of the end user's browsing activities and pool individual requests into sessions. They also allow users to stay signed in. Types include first party, third party, session, and persistent.

PRIVACY REF

Credit Freeze

CIPP/US

PRIVACY REF

Credit Reporting Agency

CIPP/US

PRIVACY REF

Customer Access

CIPP/US

AA security measure initiated by a consumer to locks their data with consumer reporting agencies to prevent identity thef.

Any organization that regularly engages in compiling or evaluating personal information in order to provide consumer reports to third parties under the Fair Credit Reporting Act.

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The customer's ability to view, correct, or delete the personal information collected from or about them.

PRIVACY REF

Customer Information

CIPP/US

PRIVACY REF

Data Breach

CIPP/US

PRIVACY REF

Data Classification

CIPP/US

Data relating to private-sector clients, healthcare patients, and the public for public-sector agencies that provide services

U.S. Private-Sector Privacy - CIPP/US

The unauthorized collection of computerized data that interrupts the security, confidentiality, or integrity of personal information maintained by a data collector.

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U.S. Private-Sector Privacy - CIPP/US

A scheme organizing different categories of data with appropriate handling and access.

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PRIVACY REF

Data Controller

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PRIVACY REF

Data Elements

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PRIVACY REF

Data Matching

CIPP/US

The natural or legal person, public authority, agency or any other body who alone or jointly decides the intentions and means of personal data processing.

A piece of data with a distinct definition which can't be whittled down further. Examples include date of birth, numerical identifier, or location coordinates. In isolation these may not be considered personal data but they would be when combined.

Comparing personal data compiled from a number of sources, including personal information banks, in order to make decisions about the individuals to whom the data relate.

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PRIVACY REF

Data Processing

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PRIVACY REF

Data Processor

CIPP/US

PRIVACY REF

Data Quality

CIPP/US

Any operation or set of operations performed on personal data including alteration, collection, recording, restriction, storage, use, retrieval, disclosure, dissemination, combination, organization, erasure, or destruction, whether by automated means.

The natural or legal person public authority, agency or other body not employed by the controller who processes personal data as instructed by the controller.

The fair information practices principle that says personal data should be relevant, accurate, up-to-date, and complete. Four questions to consider: does it meet the business needs; is it accurate; is it complete, and is it recent?

PRIVACY REF

Data Recipient

CIPP/US

PRIVACY REF

Data Subject

CIPP/US

PRIVACY REF

Deceptive Trade Practices

CIPP/US

The natural or legal person, public authority, agency, third party, or another body getting personal data by disclosure. This would not apply to public authorities getting personal data in the context of an EU or member state law inquiry.

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An identified or identifiable natural person about whom the organization has personal information.

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The actions of corporate entities who mislead or misrepresent products or services to consumers and customers in the context of US federal law. The FTC and attorney general or office of consumer protection would respond to these issues. Law typically allows enforcement by the government and actions for damages brought by harmed consumers.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Defamation

CIPP/US

PRIVACY REF

Digital Fingerprinting

CIPP/US

PRIVACY REF

Digital Signature

CIPP/US

Common law tort focuses on this concept, which is defined as a communication intending to harm another's reputation

Using log files to identify a website visitor for security and system maintenance purposes. Log files typically include URLs, web browsers, font preferences, operating systems, IP addresses, and time stamps.

A protective measure for the authenticity of an electronic document, such as an e-mail, text file, spreadsheet or image file. It would be rendered invalid if anything is changed in the electronic document post attachment

PRIVACY REF

Direct Marketing

CIPP/US

PRIVACY REF

Do Not Track

CIPP/US

PRIVACY REF

Do-Not-Call Implementation Act of 2003

CIPP/US

Direct contact made to an individual by the seller, in contrast to mass media marketing through radio or TV.

U.S. Private-Sector Privacy - CIPP/US

A potential policy allowing consumers the right to opt out of web tracking, in the same vein as the existing US Do-Not-Call Registry.

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U.S. Private-Sector Privacy - CIPP/US

This act granted the FTC authority to create the National Do-Not-Call Registry. The registry is open to all consumers who wish to place their phone number on the national list to stop telemarketers (except political activities and non-profits) from calling unsolicited.

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PRIVACY REF

Do-Not-Call Improvement Act of 2007

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PRIVACY REF

Dodd-Frank Wall Street Reform and Consumer Protection Act

CIPP/US

PRIVACY REF

Electronic Communications Privacy Act of 1986

CIPP/US

This act amended the US Do-Not-Call Implementation Act to make registration permanent in place of the requirement for re-registration

U.S. Private-Sector Privacy - CIPP/US

US Congress passed this act in 2010 to restructure and enhance financial regulation. This created the Consumer Financial Protection Bureau with rule-making authority over FCRA, GLBA, and other laws.

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U.S. Private-Sector Privacy - CIPP/US

The Electronic Communications Privacy and Stored Wire Electronic Communications Acts combined, which reformed the Federal Wiretap Act of 1968. This law protects e-mail and phone calls while being made, stored on computers, and in transit.

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PRIVACY REF

Electronic Discovery

CIPP/US

PRIVACY REF

Electronic Health Record

CIPP/US

PRIVACY REF

Electronic Surveillance

CIPP/US

Information exchanged between parties and their attorneys in preparation for trial.

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An individual's medical file that may be shared across multiple healthcare settings via computer. Examples include radiology images, medical history, medication and allergies, personal stats, immunization status, laboratory test results, vital signs, demographics, and billing information.

U.S. Private-Sector Privacy - CIPP/US

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Monitoring that is done through electronic means, using things like video surveillance, communications, and location.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Employee Information

CIPP/US

PRIVACY REF

Employment at Will

CIPP/US

PRIVACY REF

The Equal Employment Opportunity Commission

CIPP/US

Personal information reasonably necessary for an organization to collect, use, or disclose in order to establish, maintain, or terminate employment or volunteer work.

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The understanding that the employment contract can be ended by the employee or the employer at any moment for any reason.

U.S. Private-Sector Privacy - CIPP/US

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The independent US federal agency enforcing laws against discrimination in the workplace. Discrimination complaints based on an individual's race, color, origin, religion, age, intelligence, disability, and retaliation would be investigated. Discrimination suits may be filed against employers on behalf of alleged victims.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Established Business Relationship

CIPP/US

PRIVACY REF

EU Data Protection Directive

CIPP/US

PRIVACY REF

EU-US Safe Harbor Agreement

CIPP/US

A prior or existing connection between the individual and a marketer that allows them to call the individual even if they are on the DNC registry. It would be formed by a voluntary two-way communication between the marketer and a residential subscriber for the purpose of an inquiry, application, purchase, or transaction by the residential subscriber regarding products or services offered.

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The first EU-wide legislation protecting personal data use and privacy which was adopted in 1995 and replaced by GDPR in 2018.

U.S. Private-Sector Privacy - CIPP/US

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A agreement between the EU and United States invalidated by the Court of Justice of the European Union in 2015 which allowed legal transfer of personal data between the US and the EU without an adequacy decision. The EU-US Privacy Shield replaced this agreement in 2016.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

EU-US Privacy Shield

CIPP/US

PRIVACY REF

European Commission

CIPP/US

PRIVACY REF

Fair and Accurate Credit Transactions Act of 2003

CIPP/US

The data transfer mechanism created in 2016 to replace the invalidated US-EU Safe Harbor agreement which allowed for the transfer of personal data from the EU to the United States for participating companies before it was invalidated in 2020 by Max Schrems.

U.S. Private-Sector Privacy - CIPP/US

The executive body of the European Union created to implement the EU's decisions and policies.It proposes drafts of legislation that are then handed over to Parliament and the Council of the EU. It also makes data transfer adequacy decisions.

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U.S. Private-Sector Privacy - CIPP/US

Anexpansion of the FCRA focusing on identity theft prevention and customer access. It requires credit reporting agencies to allow consumers a free credit report once in twelve months.
It also empowers consumers to request alerts when there is suspicion of identity theft.

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PRIVACY REF

The Fair Credit Reporting Act

CIPP/US

PRIVACY REF

The Federal Communications Commission

CIPP/US

PRIVACY REF

Federal Trade Commission

CIPP/US

A US federal privacy law enacted in 1970 to demand relevancy and accuracy in data collection, the provision of the ability for consumers to access and correct their information, and limitations on the use of consumer reports for appropriate purposes, like the extension of insurance or credit and employment.

U.S. Private-Sector Privacy - CIPP/US

The United States agency regulating interstate communications through satellite, radio, cable, and telecommunications. Its authority coincides with the FTC in privacy law for the enforcement and regulation provided by the Telephone Consumer Protection Act.

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U.S. Private-Sector Privacy - CIPP/US

The primary consumer protection agency in the US which compiles complaints about companies, business practices, and identity theft under the FTC Act and other laws. They bring enforcement action from the FCRA and Section 5 of the FTC Act on unfair and deceptive trade practices.

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PRIVACY REF

Financial Industry Regulatory Authority

CIPP/US

PRIVACY REF

Financial Institutions Reform, Recovery, and Enforcement Act of 1989

CIPP/US

PRIVACY REF

The Freedom of Information Act

CIPP/US

A ccrporation acting as a regulator for exchange markets and brokerage firms to ensure that security exchange markets operate transparently and protect investors. It is subject to the Securities and Exchange Commission.

This act was passed after the savings and loans crisis of the 1980s to allow financial regulators to impose penalties for failing to comply up to $5,000,000 for failure t o comply with regulations including GLBA's information privacy requirements.

A US. federal law ensuring access to federal executive branch documents by citizens.
There limited exemptions

PRIVACY REF

GET Method

CIPP/US

PRIVACY REF

Global Privacy Enforcement Network

CIPP/US

PRIVACY REF

Gramm-Leach-Bliley Act (GLBA)

CIPP/US

Attributes from this method, as opposed to the POST HTML method, prescribe how form data is provided to a URL, particularly in name/value pairs showing passwords and other sensitive information in the browser's address bar.

U.S. Private-Sector Privacy - CIPP/US

The collection of data protection authorities set by an OECD recommendation for collaboration among member countries on enforcing privacy laws, developing common priorities, sharing best practices, and supporting joint enforcement and awareness activities.

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U.S. Private-Sector Privacy - CIPP/US

The Financial Services Modernization Act of 1999 reorganizing financial services regulation for any US company "significantly engaged" in financial activities. It pertains to the handling of non-public personal information, like a consumer's name a nd address and interactions with financial institutions.

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PRIVACY REF

Health Breach Notification Rule

CIPP/US

PRIVACY REF

The Health Information Technology for Economic and Clinical Health Act (HITECH)

CIPP/US

PRIVACY REF

The Health Insurance Portability and Accountability Act (HIPAA)

CIPP/US

A US rule under HITECH requiring that vendors of personal health records and related entities inform consumers if the security of their individually identifiable health information is breached.

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This act focuses on privacy and security issues with PHI as defined by HIPAA.
Privacy provisions specified pertain to the introduction of categories of violations based on accountability corresponding to penalty ranges.

U.S. Private-Sector Privacy - CIPP/US

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A US law passed to make national standards for electronic healthcare transactions. It requires that the U.S. Department of Health and Human Services create regulations securing the privacy and security of personal health information.
Patients must opt in before their information is shared with third parties

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Information Life Cycle

CIPP/US

PRIVACY REF

Information Privacy

CIPP/US

PRIVACY REF

Information Security

CIPP/US

This approach recognizes different values of data and data handling through an organization between collection and deletion. The stages involved are: collection, processing, use, disclosure, retention, and destruction.

The class of privacy which refers to the right of individuals, groups, or institutions to determine when, how, and to what extent information about them is disclosed to others.

Protecting information in order to prevent loss, unauthorized access, and misuse. This includes measuring threats and risks to information and the processes and measures to be taken to preserve the confidentiality, integrity and availability of information.

PRIVACY REF

Junk Fax Prevention Act of 2005

CIPP/US

PRIVACY REF

Jurisdiction

CIPP/US

PRIVACY REF

Location-Based Service

CIPP/US

This act created the Existing Business Relationship exception to the US Telephone Consumer Protection Act's ban of fax-based marketing without consent. It required that marketing faxes include how to opt out of future unsolicited communications.

U.S. Private-Sector Privacy - CIPP/US

A court's authority to hear a specified case. Courts must have authority over both the type of dispute (subject matter) and the parties (personal). It also refers to the geographical area or subject-matter applicable to such authority.

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U.S. Private-Sector Privacy - CIPP/US

Services that use location information to provide applications and services, including gaming, social networking, and entertainment, usually needing geolocation to identify the real-world geographic location

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PRIVACY REF

Medical Information

CIPP/US

PRIVACY REF

Minimum Necessary Requirement

CIPP/US

PRIVACY REF

Multi-Factor Authentication

CIPP/US

Records or information received from licensed physicians, hospitals, clinics, or other medical facilities with the consent of the related individual.

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U.S. Private-Sector Privacy - CIPP/US

The establishment that the level of information disclosed by healthcare providers to third parties is the smallest amount required to fulfill the desired purpose as provided by HIPAA.

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U.S. Private-Sector Privacy - CIPP/US

The authentication process using multiple verification methods, like a password and code sent to a phone number, or log-in and biometric identifier.

PRIVACY REF

National Do-Not-Call Registry

CIPP/US

PRIVACY REF

The National Labor Relations Board

CIPP/US

PRIVACY REF

National Security Letter

CIPP/US

Consumers in the US put their phone number on a list prohibiting unsolicited calls from telemarketers. Registration is permanent and enforced by FCC, FTC, and state attorneys general for a fine of up to $16,000 per violation.

The US federal agency governing the National Labor Relations Act by holding elections to determine if employees want to receive union representation and investigating improper labor practices.

U.S. Private-Sector Privacy - CIPP/US

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A category of subpoena whose use was expanded by The USA PATRIOT Act. Access is administered by separate statutory provisions without a court order to communication providers, travel agencies, financial institutions, and consumer credit agencies.

U.S. Private-Sector Privacy - CIPP/US

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PRIVACY REF

Negligence

CIPP/US

PRIVACY REF

Non-Public Personal Information

CIPP/US

PRIVACY REF

OECD Guidelines

CIPP/US

An organization is liable for damages related to any breach of legal duty to protect personal information and if an individual is harmed in the process.

U.S. Private-Sector Privacy - CIPP/US

Personally identifiable financial information resulting from a transaction or service made for the consumer, shared by the consumer to a financial institution, or otherwise collected by the financial institution, as defined by GLBA.

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U.S. Private-Sector Privacy - CIPP/US

A universal set of internationally accepted privacy principles and guidance for countries developing regulations related to cross-border data flows and law-enforcement access to personal data. The principles are Collection Limitation, Data Quality, Purpose Specification, Use Limitation, Security Safeguards, Openness, Individual Participation, and Accountability.

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PRIVACY REF

Omnibus Laws

CIPP/US

PRIVACY REF

Online Behavioral Advertising

CIPP/US

PRIVACY REF

Opt-In

CIPP/US

Laws covering a wide range of organizations or natural persons, not simply a specific market sector or population.

U.S. Private-Sector Privacy - CIPP/US

Websites or online advertising services that track and analyze search terms, demographics, online activity, offline activity, browser or user profiles, location data, or preferences, to offer advertising.

U.S. Private-Sector Privacy - CIPP/US

One of two approaches to choice, where an individual makes an affirmative indication of agreement, like checking a box to allow the business to disclose the information to third parties.

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PRIVACY REF

Opt-Out

CIPP/US

PRIVACY REF

Organization for Economic Cooperation and Development

CIPP/US

PRIVACY REF

Outsourcing

CIPP/US

One of two approaches to choice, where the lack of action on the part of the individual is taken as their implication of choice, so for example, their information will be shared with third parties if they don't uncheck a box.

U.S. Private-Sector Privacy - CIPP/US

An international organization that supports policies created to boost employment, sustainable economic growth, and the standard of living.

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U.S. Private-Sector Privacy - CIPP/US

Contracting a third party to complete business processes, possibly including the processing of personal information.

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PRIVACY REF

PCI Data Security Standard

CIPP/US

PRIVACY REF

Perimeter Controls

CIPP/US

PRIVACY REF

Personal Data

CIPP/US

A self-regulatory system of security standards for payment card data drafted by the Payment Card Industry Security Standards Council. Compliance necessitates companies above a certain threshold to conduct third party security assessments.

Technologies and processes created to secure the whole network environment by blocking penetration from the outside.

U.S. Private-Sector Privacy - CIPP/US

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What personal information is called in the EU, defined by GDPR as any information relating to an identified or identifiable natural person.

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PRIVACY REF

Personal Information

CIPP/US

PRIVACY REF

Polygraph

CIPP/US

PRIVACY REF

POST Method

CIPP/US

Also called personal data, a term defined by CCPA as information that identifies or could be linked to a particular consumer.

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A device used to render a diagnostic opinion on whether an individual is being honest.

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As opposed to those of the GET method, this method's attributes specify how form data is given to a web page in a more secure way.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Preemption

CIPP/US

PRIVACY REF

Privacy Assessment

CIPP/US

PRIVACY REF

Privacy by Design

CIPP/US

A superior government making its law supersede those of an inferior government, such as theUS federal government's declaration that no state government can regulate consumer credit reporting.

U.S. Private-Sector Privacy - CIPP/US

A measurement of an organization's compliance to its own privacy policies and procedures, applicable laws, regulations, and industry standards. The organization's practices are measured by how they alignwith legal obligations and stated practices from subjective information including employee interviews and complaints, or objective standards including logs or training attendance.

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U.S. Private-Sector Privacy - CIPP/US

This is an approach to privacy where privacy is embedded into technology, systems, and practices from the early design stage to include privacy requirements in the processing of personal information. It was first outlined in a framework with seven foundational principles.

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PRIVACY REF

Privacy Notice

CIPP/US

PRIVACY REF

Privacy Officer

CIPP/US

PRIVACY REF

Privacy Policy

CIPP/US

A statement provided to the data subject explaining how an organization collects, uses, stores, and discloses personal information.

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An individual designated as the head of privacy compliance and operations in an organization. The US federal government sees this person as the official in charge of the implementation and management of all privacy and confidentiality efforts.

U.S. Private-Sector Privacy - CIPP/US

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An internal statement that explains an organization or entity's handling of personal information to the members of the organization interacting with the personal information, informing them about the collection, use, retention, and destruction of the data and data subject rights.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

The Privacy Rule

CIPP/US

PRIVACY REF

Private Right of Action

CIPP/US

PRIVACY REF

Protected Health Information

CIPP/US

This HIPAA rule created national standards for the protection of individuals' medical records and other health information held by health plans, healthcare clearinghouses, and electronic healthcare providers. It requires the establishment of safeguards to protect the privacy of personal health information with limits on unauthorized use and disclosure.

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The individual harmed by violation of the law may file a lawsuit against the violator unless stated otherwise in the law.

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Any individually identifiable health information created, received, transmitted, or stored by a HIPAA-covered entity or its business associate or employee which can be used to identify the individual is created or received by a covered entity or an employer and is related to any physical or mental condition or payment or provision of healthcare.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Protective Order

CIPP/US

PRIVACY REF

Public Records

CIPP/US

PRIVACY REF

Publicity Given to Private Life

CIPP/US

A judge's declaration of what information not to be made public and the conditions that apply for accessing the protected information.

Information that a government entity maintains, obtains, and makes available to the general public.

A statement from a US common law tort saying that an invasion of privacy involves liability when making something public in a manner that is highly offensive and is not of legitimate concern to the public

PRIVACY REF

Qualified Protective Order

CIPP/US

PRIVACY REF

Radio-Frequency Identification

CIPP/US

PRIVACY REF

Random Testing

CIPP/US

This prohibits both parties from using or disclosing protected health information for any purpose beyond the litigation, with the understanding that at the end of litigation the PHI will be deleted or returned.

U.S. Private-Sector Privacy - CIPP/US

Technologies that utilize radio waves to identify people or things with encoded microchips.

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U.S. Private-Sector Privacy - CIPP/US

Substance testing that is only acceptable in specific scenarios including industries where employees have a small expectation of privacy or as necessary for public safety or national security. It's sometimes required by law but prohibited in certain jurisdictions.

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PRIVACY REF

Re-identification

CIPP/US

PRIVACY REF

Reasonable Suspicion

CIPP/US

PRIVACY REF

Rectification

CIPP/US

The action of reapplying characteristics to pseudonymized or de-identified data that could be used to identify an individual. There is risk in undoing the de-identification actions applied to data.

A deciding factor for allowing substance testing as a condition of continued employment which is based on facts and inferences from those facts, like speech, smell, appearance, or behavior.

An individual's right to have the business or organization amend or correct their personal data if it is inaccurate.

PRIVACY REF

Red Flags Rule

CIPP/US

PRIVACY REF

Redaction

CIPP/US

PRIVACY REF

Retention

CIPP/US

A FTC regulation mandating that financial institutions and creditors must put measures in place to detect and prevent identity theft. It has been amended to exclude any creditor that provides funds on the behalf of a person for incidental service expenses from the definition of a creditor, which allowed some lawyers, doctors, and other service companies to avoid the scope of the regulation.

The act of finding and covering information from documents provided as part of a discovery request or evidence for court proceedings.

The part of the information life cycle that pertains to organizations keeping personal information only as long as required to fulfill the intended purpose.

PRIVACY REF

Right of Access

CIPP/US

PRIVACY REF

Sarbanes-Oxley Act

CIPP/US

PRIVACY REF

Seal Programs

CIPP/US

The right of an individual to ask and obtain their personal data from a business or other organization.

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The US law ensuring transparency from publicly held companies. As provided by the law, public companies must create a process so that the company can confidentially receive and handle complaints about actual or potential fraud due to misuse of assets and fabrications in financial reporting from self-exclaimed "whistle-blowers."

U.S. Private-Sector Privacy - CIPP/US

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Programs that require participants to follow codes of information practices and agree to monitoring in order for the company to publish the programs' seal on their website.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Secret Key

CIPP/US

PRIVACY REF

Sedona Conference

CIPP/US

PRIVACY REF

The Self-Regulation Model

CIPP/US

A cryptographic key used in connection to a cryptographic algorithm, which may be uniquely and privately linked with one or more entities. The term suggests that the key be protected from disclosure or substitution.

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An established source of standards and best practices for implementing data retention policies to help keep track of electronic discovery compliance.

U.S. Private-Sector Privacy - CIPP/US

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Models for privacy based on stakeholders through legislation,
Enforcement, and adjudication.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Semayne

CIPP/US

PRIVACY REF

Smart Grid

CIPP/US

PRIVACY REF

SPAM

CIPP/US

A case wherein the knock-and-announce rule was established, relating to home privacy and US Fourth Amendment search and seizures

An energy system that tracks electricity use through continuous monitoring, automation, and remote computerization in place of the traditional electric transmission system of physically reading customer meters to find grid issues.

A commercial email sent unsolicited.

PRIVACY REF

Special categories of data

CIPP/US

PRIVACY REF

Stored Communications Act

CIPP/US

PRIVACY REF

Subpoena

CIPP/US

Article 9 of GDPR defines this as personal information revealing things like racial origin, political opinions, religious beliefs, health, sexual preferences, or criminal convictions. This information should not be processed except in specific circumstances.

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This act enacted as part of the ECPA in the US bans acquiring, altering, or blocking electronic communications in electronic storage facilities where this service is provided without authorization

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A written court order made in a civil, criminal, or administrative case requiring the named individual to appear in court and testify under oath about the subject of a lawsuit, investigation, or proceeding

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Substance Testing

CIPP/US

PRIVACY REF

Substitute Notice

CIPP/US

PRIVACY REF

Telephone Consumer Protection Act of 1991

CIPP/US

A screening to determine if drugs have been used in settings including preemployment, regular testing, at will, reasonable suspicion, or post-accident testing.

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Allowed where notifying thousands of impacted data subjects of a data breach would place a burden on the organization due to cost.

U.S. Private-Sector Privacy - CIPP/US

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The first law to limit unsolicited and automated telemarketing in fax and phone communications establishing a private right of action for recipients, a $500 fine per violation, and any damages to be sustained.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Territorial Privacy

CIPP/US

PRIVACY REF

Transfer

CIPP/US

PRIVACY REF

Transparency

CIPP/US

The class of privacy involving limitations to the ability of a person to infringe upon another's environment.

Sending or moving personal data from one organization to another

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Providing information about the data processing to the datasubject in a short, readable, and easily accessible manner, using clear and plain language.

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PRIVACY REF

US Department of Labor

CIPP/US

PRIVACY REF

Unfair Trade Practices

CIPP/US

PRIVACY REF

Fair Information Practice Principles

CIPP/US

The US federal agency with the responsibility to improve working conditions, advance opportunities, and protect benefits and collective bargaining for the welfare of job seekers, wage earners, and retirees.

U.S. Private-Sector Privacy - CIPP/US

Commercial behavior that knowingly causes significant and unavoidable injury to consumers without offsetting benefits.

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U.S. Private-Sector Privacy - CIPP/US

Personal data record keeping systems should not be secret. Individuals need to have a way to find out what information about them is stored and how it is used, to prevent their information obtained for one purpose from being used or made available for other purposes, and to correct or amend their information. Any organization creating, maintaining, using, or disclosing personal data must assure the reliability of the data for the stated use and take measures to prevent misuse of the data.

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PRIVACY REF

USA PATRIOT Act

CIPP/US

PRIVACY REF

Value-Added Services

CIPP/US

PRIVACY REF

Video Surveillance

CIPP/US

A broad-ranging act intended to stop terrorism which increased the authority of US. law enforcement to capture and surveil communications and records.

Non-core services that are outside the voice calls and fax transmissions available at almost no cost to promote the business.

Recordings without sound.

PRIVACY REF

Voice over Internet Protocol

CIPP/US

PRIVACY REF

WebTrust

CIPP/US

PRIVACY REF

Whistleblowing

CIPP/US

A technology to let phone calls be made over an LAN or the Internet, in a similar risk to network-connected PBX systems but with the extra risk of data interception if using an unsecured connection.

U.S. Private-Sector Privacy - CIPP/US

A self-regulating seal program to license certified public accountants.

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U.S. Private-Sector Privacy - CIPP/US

Employees reporting illegal or improper activity in the workplace to those above them or to an outside agency.
The organization should ensure that appropriate privacy safeguards are put in place for the reporting employee.

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PRIVACY REF

Bodily privacy

CIPP/US

PRIVACY REF

Sectoral model

CIPP/US

PRIVACY REF

U.S. government branches

CIPP/US

The privacy of a person's physical being.

A privacy framework where laws apply to individual industry sectors.

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The legislative makes laws, can override vetoes, and comprises Senate and Congress; the executive enforces laws, can veto congress laws, and comprises the pres, VP, and cabinet; and the judicial interprets laws, determines whether laws are constitutional, and comprises federal courts

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PRIVACY REF

Torts

CIPP/US

PRIVACY REF

Offer

CIPP/US

PRIVACY REF

Acceptance

CIPP/US

Civil wrongs sanctioned by law as the basis for lawsuits.
Types include intentional (the defendant should have known); negligent (the defendant's actions were unsafe); and strict liability (not quite carelessness but still caused damage).

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The proposed language for entering into bargains.

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The agreement of the person to whom the offer is made.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Consideration

CIPP/US

PRIVACY REF

Person

CIPP/US

PRIVACY REF

Jurisdiction

CIPP/US

The exchange that is bargained for.

An entity with legal rights.

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The court's authority to hear a particular case.

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PRIVACY REF

Civil litigation

CIPP/US

PRIVACY REF

Criminal litigation

CIPP/US

PRIVACY REF

Administrative enforcement actions

CIPP/US

A court case where one person sues another for the redressing of a perceived wrong.

U.S. Private-Sector Privacy - CIPP/US

The government is suing for a violation of a criminal law.

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Legal actions pursued according to the statutes that create and empower an agency.

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PRIVACY REF

Risks of using personal information improperly

CIPP/US

PRIVACY REF

Four steps of information management

CIPP/US

PRIVACY REF

Data inventory

CIPP/US

Legal: state, federal, and international law regarding use of information and sanctions; reputational: harm to reputation; operational: privacy program allows business to operate; investment: return on investments.

1. Discover
2. Build
3. Communicate
4. Evolve

A record of the information an organization collects, stores, uses, or discloses, and shares with other organizations or business affiliates.

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PRIVACY REF

Data classification

CIPP/US

PRIVACY REF

Terms that should be included in vendor contracts

CIPP/US

PRIVACY REF

Standards for vendor selection

CIPP/US

Data sensitivity levels set by data element and combination of data elements.

Confidentiality, no further use of shared information, use of subcontractors, breach notifications, information security provisions, and end of relationship.

Consider the vendor's reputation, financial condition and insurance, incident response, information security controls, audit rights, employee training, point of transfer, and disposal of information.

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PRIVACY REF

FACTA Disposal Rule

CIPP/US

PRIVACY REF

Online privacy threats

CIPP/US

PRIVACY REF

Layered notice

CIPP/US

This rule establishes requirements for the disposal of personal information

Social engineering, malware, data transfer and access, and phishing

A privacy notice with sections of different lengths--a shorter version with key points and a longer, more detailed version.

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PRIVACY REF

Sale under CCPA

CIPP/US

PRIVACY REF

Notice requirements under CCPA

CIPP/US

PRIVACY REF

Personal information under CCPA

CIPP/US

Disclosure of personal information to another organization for any type of value, monetary or otherwise.

A notice should be posted before collection, be located on the website, list the rights of consumers, and include an option to opt out of sale.

U.S. Private-Sector Privacy - CIPP/US

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Things like name, email, IP address, employment information, biometrics, and geolocation, but not deidentified information.

U.S. Private-Sector Privacy - CIPP/US

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PRIVACY REF

CCPA data subject rights

CIPP/US

PRIVACY REF

C.I.A. triad

CIPP/US

PRIVACY REF

Physical controls

CIPP/US

These include the rights to receive the information that was collected, delete, and opt out of sale of their information.

Confidentiality: access limited to authorized parties; Integrity: data authenticity; and Availability: data made accessible to authorized parties.

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A type of security control using things like locks and security cameras.

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Administrative controls

CIPP/US

PRIVACY REF

Technical controls

CIPP/US

PRIVACY REF

Incident management steps

CIPP/US

A type of security control using things like incident response plans and training.

A type of security control using things like firewalls, access logs, and antivirus software.

1. Determine whether a breach has occurred
2. Contain and analyze the incident
3. Notify affected parties
4. Implement follow-up methods

PRIVACY REF

Electronic protected health information (ePHI)

CIPP/US

PRIVACY REF

Protected health information (PHI)

CIPP/US

PRIVACY REF

HIPAA Privacy Rule protections

CIPP/US

PHI contained in electronic media.

Individually
identifiable
health
information.

Include things like privacy notice,
authorization for uses and disclosures,
minimum necessary use or disclosure,
safeguards, and accountability.

PRIVACY REF

HIPAA Security Rule

CIPP/US

PRIVACY REF

21st Century Cures Act of 2016

CIPP/US

PRIVACY REF

Gramm-Leach-Bliley Act Privacy Rule

CIPP/US

This requires covered entities and business associates to ensure the CIA of all ePHI obtained, including protection from reasonably anticipated threats, unpermitted use or disclosure, and noncompliance with the Security Rule.

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This act expedited research for new medical devices and prescription drugs, sped up the process for drug approval, and reformed mental health treatment. It allowed researchers to view PHI remotely, prohibited information blocking, and allowed sharing mental health or substance abuse information with family and caregivers.

U.S. Private-Sector Privacy - CIPP/US

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A rule mandating that financial institutions provide notice of information-sharing practices to customers; allow customers the right to opt out of sharing; avoid giving account numbers to third parties; and protect the confidentiality and security of customer information.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Gramm-Leach-Bliley Act scope

CIPP/US

PRIVACY REF

Gramm-Leach-Bliley Act Safeguards Rule

CIPP/US

PRIVACY REF

Family Educational Rights and Privacy Act

CIPP/US

U.S. financial institutions or companies significantlyengaged in financial activities, like banks, mortgage lenders, insurance providers, and credit advisors.

A rule requiring that financial institutions create and implement an information security program with administrative, physical, and technical safeguards to protect the integrity, security and confidentiality of customer information.

A federal statute that allows students and parents control over how education records are accessed and shared.

PRIVACY REF

Student rights under the Family Educational Rights and Privacy Act

CIPP/US

PRIVACY REF

Family Educational Rights and Privacy Act: education record

CIPP/US

PRIVACY REF

Family Educational Rights and Privacy Act: personally identifiable information

CIPP/US

The rights to review and seek amendment of their education records, to control the sharing of their education records, to receive annual notice of their rights, and to file complaints with the US Department of Education.

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All records that are directly related to the student and kept by the school or on behalf of the school. This excludes campus police records, employment records, applicant records, alumni records, and grades on peer-graded papers.

U.S. Private-Sector Privacy - CIPP/US

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Student name, student or family address, parent or family member names, personal identifiers, date of birth, and other information that could be used to identify a student or information requested by a person who is believed to know the identity of a student.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Family Educational Rights and Privacy Act: directory information

CIPP/US

PRIVACY REF

Telemarketing Sales Rule

CIPP/US

PRIVACY REF

Telemarketing Sales Rule requirements

CIPP/US

Information that if disclosed would not be considered an invasion of privacy or harmful to the individual. A student should be allowed to opt out of this information being shared.

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A rule issued by the FTC establishing guidelines for making telemarketing calls.

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Covered organizations must display caller ID, only call between 8am and 9pm, identify themselves and the product, disclose all material information, check numbers against the DNC list, respect requests to call back, retain records for at least 24 hours, and comply with automated dialer, prize, and promotion rules.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Telemarketing Sales Rule covered organizations

CIPP/US

PRIVACY REF

Telemarketing Sales Rule: telemarketing

CIPP/US

PRIVACY REF

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003

CIPP/US

Telemarketers and sellers, or entities engaging in calls from consumers or providing goods and services offered, respectively.

A campaign, plan, or program to illicit a purchase of goods, services, or charitable contribution with one or more interstate phone calls.

An act that established rules for unsolicited commercial e-mail and a mechanism to allow individuals the right to opt out of undesired communications.

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PRIVACY REF

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 scope

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PRIVACY REF

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 requirements

CIPP/US

PRIVACY REF

Wireless Domain Registry

CIPP/US

AAnyone who advertises products or services by e-mail to or from the US.

Conspicuously display a return email and mailing address, notice of the right to opt out and a mechanism to do so, identification that the message is commercial, and a warning for any sexually oriented material.

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The FCC's registry of wireless domain names for senders to consult and check that they have authorization before sending commercial messages.

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Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003: MSCM

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PRIVACY REF

Effects of the Telecommunications Act of 1996

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PRIVACY REF

Customer proprietary network information

CIPP/US

A commercial e-mail message sent to a wireless device used by a commercial mobile service subscriber.

Reshaping telecommunications markets, promoting the privacy privacy of customer information and CPNI held by telecommunications carriers, and requiring consent for telecommunications carriers to sell consumer data to third parties.

Information related to subscribers as collected by telecommunications carriers.

PRIVACY REF

The latest CPNI requirements

CIPP/US

PRIVACY REF

Cable Communications Policy Act of 1984

CIPP/US

PRIVACY REF

Video Privacy Protection Act of 1988 scope

CIPP/US

2007 CPNI order, which requires that customers receive the right to explicitly opt in before carriers share CPNI with contractors or joint venture partners for marketing purposes.

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This act regulated the notice that cable television providers have to make to customers along with their ability to collect, retain, and delete personal information.

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Video tape service providers, which would be anyone engaged in the business of sale, commerce, rental, or delivery of audio-visual materials, and anyone who receives personal information as part of the video tape service provider's business.

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Video Privacy Protection Act of 1988

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Electronic Communications Privacy Act

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Right to Financial Privacy Act

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An act that set destruction and retention requirements for personal information collected by videotape service providers, prohibited the disclosure of customer personal information and established a private right of action.

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An act including emails and stored records in the ban on the interception of electronic communications that was passed after the Supreme Court ruled that the Fourth Amendment did not apply to phone numbers called.

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An act stating that government authority may not have or obtain access to copies of information in the financial records of any financial institution customer without consent, subpoena, warrant, summons, or formal written request from an authorized government authority.

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PRIVACY REF

Bank Secrecy Act

CIPP/US

PRIVACY REF

Cybersecurity Information Sharing Act of 2015

CIPP/US

PRIVACY REF

Redaction

CIPP/US

An act preventing criminals from using f inancial institutions to launder or hide money they obtained illegally.

An act allowing the federal government to share unclassified technical data network attacks and successful defenses with companies.

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Identifying and removing or blocking information from documents relevant to a court proceeding or discover request, in this case personally identifiable information.

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Stored Communications Act of 1986

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PRIVACY REF

Communications Assistance to Law Enforcement Act of 1994

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Electronic Communications Privacy Act: pen register

CIPP/US

Enacted as part of the ECPA, an act that prohibited unauthorized acquisition, alteration, or blocking of electronic communication in electronic storage for electronic communications service.

U.S. Private-Sector Privacy - CIPP/US

Also called the "Digital Telephony Bill", this act lists the responsibilities of players in the telecommunications industry to cooperate with law enforcement in interception requests for communications and other needs.

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The ECPA allowed these kinds of orders from a judge so long as they are relevant to the investigation.

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Privacy Protection Act of 1980

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PRIVACY REF

Cybersecurity Information Sharing Act of 2015 provisions

CIPP/US

PRIVACY REF

Privacy Protection Act of 1980 scope

CIPP/US

This act protects media and organizations from government searches or seizures in criminal investigations, requiring law enforcement to submit subpoenas or illicit voluntary cooperation for evidence.

These include the authorizations to share and receive cyberthreat indicators or defense measures, for the company to use monitoring and defense measures to redact personal information before it's shared, the fact that sharing information with the government only exempts it from FOIA, restriction from using shared information for enforcement actions, and safety from liability for monitoring activities..

This act applies to government officers and employees and only criminal investigations.

PRIVACY REF

National Security Letters

CIPP/US

PRIVACY REF

GDPR requirements

CIPP/US

PRIVACY REF

GDPR data subject rights

CIPP/US

A category of subpoena whose use widened with the USA PATRIOT Act. Reforms have been related to indefinite secrecy on receiving companies.

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Controllers must appoint a DPO, implement privacy by design, report data breaches, cooperate with the DPA, identify the legal basis for processing, conduct DPIAs, maintain ROPAs, seek informed consent before collecting data, and allow data subjects with the opportunity to exercise all required rights. Processors must agree to confidentiality, data security, data breach reporting, and cooperation with the DPA.

U.S. Private-Sector Privacy - CIPP/US

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Data subjects have the rights to be informed of transparent communication and information, to access their data, to rectify their data, to be forgotten, to restrict the processing of their data, to data portability, to object, and not to be subject to automated decision-making.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

Key differences among states

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PRIVACY REF

Utah Consumer Privacy Act

CIPP/US

PRIVACY REF

Cookie regulations

CIPP/US

CCPA/CPRA: enforced by attorney gen; CA residents; rights to know, delete, opt out of sale, opt in to sale under 16, non-discriminatory treatment, private right of action, correct, and limit use and disclosure; applies to service providers, third parties, contractors, and businesses in California with revenue over $25 million/selling/sharing PI of 50k/50% of annual revenue from sale. ColOPPA: controllers with business/targeting CO and 100k consumer data or sells data and has 25k consumer data; rights of access, correction, deletion, data portability, opt out of targeted ads, sale, and profiling; DPIAs. Nevada: applies to owners/data brokers with a website, PI from Nevada consumers, and directs activity toward Nevada; no PRA; 30 day cure period; no guidance on how notice should be given. OPPA: businesses with $25 million revenue in OH or controlling/processing large data sets; rights to delete and to opt out of sale; notice requirements; 30 day cure period; no PRA. Vermont: applies to data brokers; opt out of sale; DPIA for processing minors' data. VCDPA: rights to know, access, delete, correct, data portability, and opt out of targeted ads, sale, and profiling; DPIAs required; applies to entities doing business in Virginia with PI of 100k consumers or 25k while receiving 50% of revenue from sale; no PRA; 30 day cure period. UCPA: no PRA or DPIAs; Utah residents; 30 day cure period; 100k Utah consumers' PI and $25 million annual revenue/25% of revenue from sale of 25k consumers' PI.

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U.S. Private-Sector Privacy - CIPP/US

This is similar to VCDPA. It applies to businesses making over $25 million annual revenue and either holding the data of 100,000 Utah consumers or deriving 25% of revenue from the sale of 25,000 consumer's data. It establishes a 30-day cure period and 45 days to respond to data subject access requests. There is no private right of action or requirement for DPIAs Enforcement will go to Utah Department of Commerce's Consumer Protection division and the attorney general's office.

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U.S. Private-Sector Privacy - CIPP/US

GDPR considers cookies to be personal data, so consent is required before collecting.

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SSN laws

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PRIVACY REF

Data destruction laws

CIPP/US

PRIVACY REF

California Electronic Communications Privacy Act

CIPP/US

Federal laws place limits on the disclosure of SSNs; California, for example, has laws prohibiting businesses from posting or printing SSNs.

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U.S. Private-Sector Privacy - CIPP/US

Some common elements between states include the scope of government and private businesses, exemptions to other laws like GLBA and HIPAA, penalties, and notice. Some differences include only paper records in AZ; private right of action in AL; and using any means to make data unreadable in CA.

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U.S. Private-Sector Privacy - CIPP/US

This act requires CA law enforcement to produce a warrant before viewing electronic information about residents.

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Delaware Online Privacy and Protection Act

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PRIVACY REF

Nevada SB 538

CIPP/US

PRIVACY REF

Illinois Right to Know Act

CIPP/US

This act requires operators to conspicuously post privacy policies on the website stating the categories of PII collected and the categories of third parties with whom the information is shared. It also prohibits promoting alcohol, tobacco, and other substances to children under the age of 18.

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This bill establishes provisions related to the information and services of immigrants in this state, where each regulatory body is required to create an online resource for immigrants informing them how to obtain a license or similar authorization for certain occupations.

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This act requires websites and applications to notify Illinois customers of PII collected about them and with whom they share that PII. It does establish a private right of action.

U.S. Private-Sector Privacy - CIPP/US

PRIVACY REF

NJ Personal Information and Privacy Protection Act

CIPP/US

PRIVACY REF

Washington Biometric Privacy Law

CIPP/US

PRIVACY REF

NYDFS Cybersecurity Regulation

CIPP/US

This act limits the purposes for which retail establishments can scan a person's government identifier and limits use and retention of scanned data.

U.S. Private-Sector Privacy - CIPP/US

This statute allows commercial use of biometrics only with consent, except for disclosure for specific financial transactions or at the requested of the individual.

U.S. Private-Sector Privacy - CIPP/US

A set of regulations of requirements created to assess and develop plans to address covered financial institutions' cybersecurity risks. It applies to all entities that operate under DFS licensure, registration, or charter and all their service providers.

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Virginia Consumer Data Protection Act

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Ohio Personal Privacy Act

CIPP/US

PRIVACY REF

Nevada Revised Statutes Chapter 603A

CIPP/US

This act applies to entities doing business/ targeting Virginia residents that have the PII of 100k consumers or 25k consumers while deriving 50% of their revenue from the sale of this data. Rights include access, deleting data, and opting out of targeted advertising and sale of personal information. It also includes requirements for DPIAs and sets a 30-day cure period. Entities have 45 days to respond to DSARs

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This act applies to businesses with $25 million revenue in OH or controlling/ processing large data sets. It provides rights to delete and opt out of sale. It sets requirements for privacy notices and a 30-day cure period.

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This revision applies to data brokers and operators who own/operate websites for business, collect PI from Nevada consumers, and direct activities toward Nevada. It allows a 30-day cure period.

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Vermont Data Brokers and Consumer Act

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Colorado Privacy Act

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PRIVACY REF

Federal vs state authority

CIPP/US

This act applies to data brokers selling and collecting data about consumers with whom the business doesn't have a direct relationship. Its requirements include allowing consumers to opting out of sale of their personal information and conducting DPIAs before processing minors' personal information.

U.S. Private-Sector Privacy - CIPP/US

This act applies to controllers with business operating in CO or targeting CO and maintaining the consumer data of 100,000 or receiving revenue from selling the consumer data of 25,000. It provides CO residents the rights of access, correction, deletion, data portability, opt out of targeted ads, sale, and profiling. Controllers have 45 days to respond to DSARs. It also requires DPIAs.

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The federal government has the power or authority to regulate all states, and the state government has the power or authority to regulate the ongoings inside each state.

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PRIVACY REF

Human resource management

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Occupational Safety and Health Act

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PRIVACY REF

Securities and Exchange Commission

CIPP/US

The practice of managing people to achieve better performance while following confidentiality requirements about management or business information.

An act overseen by the Dept of Labor which regulates workplace safety.

The commission that oversees investment advisors, securities brokers and dealers, securities exchanges, and mutual funds to promote fair dealing and transparency of market information and prevent fraud.

PRIVACY REF

Civil Rights Act of 1964

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PRIVACY REF

Americans with Disabilities Act

CIPP/US

PRIVACY REF

Genetic Information Nondiscrimination Act

CIPP/US

The US law banning discrimination on the basis of religion, race, color, sex, or national origin in hires, promotions, and terminations.

U.S. Private-Sector Privacy - CIPP/US

A federal civil rights law banning discrimination against those with disabilities in activities including purchases, employment opportunities, and government programs.

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This act prevents employers from making job-related decisions using genetic health information; for example, health insurers determining the eligibility, cost, coverage, or benefits of a policy.

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Employee background screening requirements under FCRA

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Methods of employee background screenings

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Employee monitoring technologies

CIPP/US

The FCRA regulates the use of consumer reports from consumer reporting agencies to be used in background checks. The company conducting the background check should only obtain a consumer report under certain purposes including employment. They should provide written notice to the applicant, obtain written consent, obtain data only from a qualified CRA, certify their permissible purpose to the CRA, and provide pre- and post-adverse-action notices if applicable

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Examples include psychological testing, polygraphs (only allowed in certain occupations), and substance testing (needing reasonable suspicion in some states).

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Methods include social media, video surveillance, information technology, stored communications, location-based services, monitoring mail, and bring-your-own-device.

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Employee monitoring requirements under ECPA

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PRIVACY REF

Potential issues with investigations of employee misconduct

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Records retention after employment

CIPP/US

ECPA establishes that employers must generally obtain consent from at least one party before monitoring or recording company calls. The interception of wire, oral, and electronic communications is typically not allowed outside of the course of business.

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Be cognizant of taking allegations seriously, documenting the misconduct, treating employees with fairness during the investigation, and considering laws, policies, and employee's rights.

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In some jurisdictions, there should be a demonstrable business or legal reason to retain specific personal information after termination, which could be to provide references, respond in legal proceedings, or follow retention requirements.

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California Shine the Light law

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California Online Privacy Protection Act

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This act requires businesses in California to disclose what personal information the business has shared with third parties and name the third parties. It applies to businesses that have established relationships with California resident-consumers and disclosed their PII to a third party company for direct marketing.

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This act requires commercial websites and online services collecting and storing PII from CA consumers to post a conspicuous privacy policy that links from the home page. Amendments in 2013 added the requirement to disclose cookies and tracking.

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