TESTIMONY OUTLINE ON DATA BROKERS BILL/VERSION 6.1
House Commerce Committee/01-18-2018
Charles Storrow, Leonine Public Affairs, LLP on behalf of RELX, Inc.

1. Data Broker Security Breach Notice requirement is a major problem with the bill because it is unnecessary in light of existing law, because non DBs who are breached would not have to give notice, and because the information that would trigger a DB breach notice is already in the public realm.

    a. Existing Security Breach Notice law = Data Collectors (p.18)

    b. Proposed Data Broker Breach Notice law = Data Brokers (p. 40)

    c. Operative Definitions

        i. *Data Collectors* (existing law)—hold PII (name and SSN or driver's license # or bank account/credit card #) (p.14 line 13)

        ii. *Data Brokers* (proposed law)—hold PI (*one* or more of: name, address, name or address of family member, personal identifier or other info that might ID you). (p.15 line 8)

    d. RELX (and EQF) is a data collector under existing law. EQF had to give notice of its breach under existing law because that breach involved PII.

    e. Under the bill RELX and EQF would also be data brokers. If breached and PI obtained, but not PII, would have to give notice.

2. Yahoo breaches

        i. September 2016 Yahoo announced a breach happened in 2014. 500 million names, email addresses, telephone numbers, dates of birth, passwords and, in some cases, encrypted or unencrypted security questions and answers.

        ii. In December 2016 Yahoo announced a breach that had happened in 2013. One *billion* names, email addresses and passwords.

3. Under the bill, because it is consumer facing, Yahoo would not have to give notice. But, if RELX suffered a breach involving just names and email

addresses, it would.

4. Moreover, PI is already out there. One can go to Whitepages.com and similar on line information providers and run the name of someone you know. It will give address and if you pay a modest fee, a lot of other info. By doing that you are a customer/user, but your acquaintance probably isn't. Did whitepages.com just suffer a breach by your use of it? Regardless of that, the point is that PI is readily available.

5. Should strike language requiring DBs to give notice of breaches of PI.