

From: Elizabeth Blosser <elizabethb@alta.org>
Sent: Wednesday, April 29, 2020 4:15 PM
To: Alexander, Lois <LAlexander@naic.org>
Cc: Seemann, Lacey <LSeemann@naic.org>
Subject: RE: NAIC Exposure Document and Call Notice: Privacy Protections (D) Working Group Conference Call May 5, 2020

Thank you for providing us the opportunity to submit feedback and comments on the Privacy Protections draft. The notes below are submitted on behalf of the American Land Title Association. If you have questions or concerns, please let me know. Thank you!

General Comment:

From a compliance management standpoint, the model act should not conflict with existing privacy laws. A patchwork of privacy laws creates inconsistent protections for consumers and confusion for both consumers and businesses seeking to understand these statutes and compliance obligations.

Section 1(D):

In terms of public records, the Act should mirror the scope of the CCPA and clearly exempt “publicly available information” as defined within CCPA as “information that is lawfully made available from federal, state, or local government records.” We suggest striking 1(D) and adding the CCPA definition for publicly available information.

Section 4:

Given the prevalence of interstate commerce, notification requirements should provide consistency. For example, as applicable, delivery of the privacy notice should be consistent with GLBA and the CFPB’s Reg P requirements.

Section 8:

(A)(1&2) To prevent fraud and provide consumer protection from potential harm, the requirement to provide a copy of personal information should be limited as described in CCPA’s draft regulations (entity should never provide full SSN, bank account number, etc., upon request).

(A)(3) There needs to be an exception to this requirement where the entity has been instructed by law enforcement or court order not to disclose that the information was shared.