

Privacy and Data Protection

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To: Governor Commonwealth of Virginia

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Privacy is a fundamental human right essential for autonomy and dignity, encompassing both physical and informational aspects. Individuals require spaces where they can be themselves freely without external judgment or interference. Safeguarding sensitive personal data is crucial for protecting financially identifying information and biometric traits that could enable fraudulent activities or unauthorized surveillance if exposed. 📌

Personally identifiable details such as names coupled with financial records leave one vulnerable to identity theft and related economic damages or reputational harm. Biometrics is the science of using the physical properties inherent in the human body to identify individuals (Kesan, p.257). Mishandling medical files could impact health or insurance access, while improper handling of biometric markers may undermine privacy by enabling unchecked observation. Leaving data unprotected also permits discriminatory practices built upon sensitive attributes that influence autonomy and choices.

The General Data Protection Regulation establishes a comprehensive framework for processing personal data applicable to European Union residents, covering both automated and manual handling, whether for commercial, nonprofit, or public interests (GDPR, 2024).

Fundamental principles enshrined include the lawfulness, fairness, and transparency of data use, purpose limitation, data minimization, accuracy, storage restriction, integrity, confidentiality, and accountability. This legislation applies to any organization processing EU citizens' data globally. Implementing robust privacy laws in Virginia mirroring these stipulations would strengthen trust and safeguard rights as society becomes increasingly digital. Consulting relevant experts and stakeholders is advised for crafting legislation balancing societal progress with privacy protection (ICO, 2023; DPM, 2021).

Colorado and Virginia have taken substantial steps to safeguard their residents' privacy by enacting comprehensive data protection acts. A notable example is Colorado's Privacy Act, which took effect in July 2021. It shares similarities with California's Consumer Privacy Act and Virginia's Consumer Data Protection Act. Here are some key components (Karin Ross, 2022; Sheila A. Millar, 2021; ICLG, 2019):

- Definitions: Like California and Virginia's laws, Colorado's act broadly defines "personal information" to encompass various data points.
- Influence from the EU: Colorado and Virginia borrows terminology and definitions from Europe's General Data Protection Regulation, emphasizing roles like "controller" and "processor."
- Security risk assessments required: Colorado and Virginia require covered entities to conduct risk evaluations for high-risk activities such as profiling, selling personal data, and targeted advertising.
- No private lawsuits: Unlike California's act, Colorado and Virginia's laws do not allow private individuals to take legal action for violations.

While offering essential protections, the state laws also present challenges for multi-state companies due to varying expectations and language. Compliance can be complex. However, the acts empower citizens by giving them authority over their information.

Governor Tar-Míriel faces a pivotal decision regarding privacy legislation, weighing myriad advantages and disadvantages of enacting state-level rules versus pursuing comprehensive federal regulations. A privacy law specific to Númenor offers nuanced remedies addressing island customs with potentially swift implementation and exemplifying leadership for other domains (Solove & Harlan, 2023). However, regulatory fragmentation, constrained assets, and potential discrepancies with federal statutes may limit effectiveness. On the contrary, uniform regulations across Arda promise robust enforcement, stronger mechanisms, and conceivable worldwide impact. Still, this route involves political obstacles, intricacies balancing interests, and vulnerability to pressure from economically powerful sectors (Carruthers & Lamoreaux, 2016). Considering these factors, a two-pronged approach is most prudent. Governor Tar-Míriel should advocate for federal statutes while simultaneously initiating tailored privacy legislation for Númenor. This strategy combines the advantages of standardized decrees and robust enforcement at the federal level with customized remedies addressing local matters. Collaboration between states and the federal government is crucial for effective privacy governance, ensuring the protection of citizens' rights while contributing to a broader privacy framework aligned with global best practices.

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