

Law

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3/16/24

To: Governor Commonwealth of Virginia

From: Easton Jarboe

Subject: Privacy in Virginia



Date: 3/16/23

Privacy refers to the right of individuals to control their personal information and how it is collected, used, and shared. Personal data protection concerns usually revolve around keeping sensitive data safe and prohibiting unauthorized access or exploitation. Without a solid foundation of protection people in Virginia are vulnerable to various risks including identity theft, financial fraud, and surveillance. If a person is victim to one of these their life can be ruined and cause irreparable damage, as some cybersecurity cases are too difficult to be prosecuted. So it is best for the public to be safe guarded against it so that nobody has to go through that hardship. Some examples of personal data include biometric information like fingerprints or facial recognition data. Another type of data is personally identifiable information (PII) such as social security numbers, addresses, and financial records. Safeguarding all of these kinds of data should be paramount to the US government as they should work for their citizens.

The General Data Protection Regulation (GDPR) is a comprehensive privacy law that covers all European Union states as well as any organization outside the EU that handles any EU citizens data. **IN** order to protect Virginia residents the GDPR should be enacted as soon as possible. It encompasses various areas of protection of a person's private data including establishing data protection principles such as lawfulness and transparency in data processing. There is also the ability to ensure data subjects rights such as the right to access and rectify their

personal data, the right to have any data they don't want in the public erased and the right to data portability. In Virginia a person having the ability to control their data in this way would enhance privacy to the highest degree ensuring that companies could not sell their data and making it harder for hackers to act maliciously to citizens in the United States.

There are many states in the US that are taking steps to enhance privacy protection for their residents. There is no reason we should not be striving for better privacy in every State. For example California enacted the California Consumer Privacy Act (CCPA) which grants consumers more control over their personal information held by businesses including the right to know what data is collected by businesses and how it is used. The citizens of California also have the right to opt-out of the sale of their information and the right to request deletion of their data. One glaring difference between the CCPA and GDPR is the ability to take down data. The GDPR ensures the ability of the user to take down the data while with the CCPR it is just a request. THis shows how even newer legislation still does not have the people's best interest in mind that is why in Virginia we should switch to the GDPR.

It is tricky to decide whether to push for a state level or federal level personal data protection law in Virginia. Both options have their pros and cons. Deciding to use state laws like California would allow for regulations that best suit the state they are specified for and address specific local concerns and could provide quicker implementation into the state law. There is the chance that it might result in a patchwork of different regulations across states similar to how before a uniform currency was found each state had their own.   This could complicate compliance for businesses operating nationally. Advocating for federal legislation would ensure consistent standards nationwide similar to the GDPR regulation . Doing this would streamline compliance for businesses and provide stronger protection for citizens. However the federal

legislative process can be slow-moving and compromises may reduce the strength of the protections provided. Ultimately the federal level should be used in the same way Europe uses the GDPR. They have had a great amount of success and we should try to replicate it. Using the uniform policy of the GDPR would also make it easier for businesses to comply with laws internationally.

Using the GDPR would show good faith with other nations and help the people in the United States. Using a privacy act that helps people protect their data is paramount in Virginia. Thank you for your consideration in enacting new privacy laws in Virginia.