

Cyber Law

Lashanti Gladney

Schools of Cybersecurity, Old Dominion University

Cyber Law 406

Memorandum for Governor Karras

February, 16th 2024

Data protection and privacy issues are a big concern and it is no surprise that citizens would be concerned about their data. According to the terms mentioned it seems as though the main concerns are about what is being done with their data and if they are protected. If there are no proper regulations in place for personal data this data is at risk of being exploited whether by organizations who might use this data to target audiences or the selling of data to other companies/organizations; as well as by attackers looking for ways to steal and sell personal information. Data and privacy protection will help in keeping private/sensitive data safe as well as making the citizens more trusting and safe while you are in office.

Next, I'll be sure to explain a few of the terms that were mentioned to you starting with biometric data. I will also be sure to explain Terms of Service and how this relates to the current situation. Biometric data is collected from fingerprints, eyes, voice identification, and other biological information. This type of information is commonly collected on phones and other devices as a means of verification. Personally identifiable information otherwise known as PII is personal data that aids in identifying a person. This information can be sensitive such as social security numbers as well as information found on a driver's license or passport. It can also include more basic information such as race or gender. GDPR or the general data protection regulation is what regulates what can be done with personal data in the European Union. This gives rights to their citizens and allows them to have free access to their data, restrict the processing of their data, the right to have their data deleted and more. It is essentially a safeguard put in place for the protection of their data. Another important term is TOS or terms of service; this is the agreement that has to be acknowledged between a user and whoever is providing the service. In order to use many internet services a person has to agree to their terms of service, the terms can not be violated and are a binding contract.

Different types of data not already protected by the federal government that should also be considered are biometric data which I defined earlier, financial data, online data such as browsing history, or even data such as email address. These are all types of data that can be exploited or used to target specific groups. Especially online data and emails as companies often track what consumers do online in order to market people (ads) and it can lead to lots of spam mail and personal emails being in places that people may not be comfortable with. One regulation that can be put in place to make the citizens feel safer is a biometric information privacy act, this is an act that is in states such as texas and illinois. A few features I found that would be the most beneficial are the limitations to how much biometric data can be collected, the required destruction of said data once the reason it was collected becomes absolute, and the requirement of companies to let users know they are collecting this data. This aids in keeping citizens well informed and keeps their data more secure. There could also be something similar to the washington privacy act which enables citizens to to change, delete, or opt out of having their data processed. There could also be something implemented that holds businesses accountable for having specific protocols in place or ensuring they have a good security plan and are communicative with users about incidents. The above are not already federally regulated and could provide great security for the citizens.

One of the points mentioned earlier was the GDPR which I believe to be a feasible option so I have gathered a few pros and cons for review.

As I mentioned before the GDPR is what regulates the processing of data, meaning citizens information will be more secure overall. With this, citizens are not only informed about what is happening to their data but they also have the right to choose what happens to their data

and approve or deny who they want using or having access to it. This also puts more on businesses to prioritize security as there are extensive requirements that would need to be followed in order to operate.

In terms of the cons of the GDPR I did find that although bigger companies are able to put in the resources to adhere to the necessary security measures needed it could be harder for smaller businesses with less resources to keep up. This means these smaller companies could be in jeopardy of not being able to function and close which could hurt the economy. To implement this would also take a lot of resources and time in itself as running the operation itself is no easy feat. There is lastly the process of getting businesses and organizations where they need to be to be in compliance with this if it were to take place.

I however feel as though the pros being the big impact this would have on security and making the citizens feel more secure would far outweigh the cons. If implemented correctly a new standard could be set among many places that encourage the prioritization of protecting users' data and giving the people more control of their information.

References

Bryant, J. (2023, November 17). *Five years in: Impressions on GDPR's maturity*. International Association of Privacy Professionals.

<https://iapp.org/news/a/a-look-at-the-eu-gdpr-five-years-in/>

Global Legal Group. (2023, July 20). *Data Protection Laws and Regulations Report 2023-2024*

USA. ICLG.com. <https://iclg.com/practice-areas/data-protection-laws-and-regulations/usa>

Jones, A. (2022, August 16). *GDPR Three Years Later: What Impact Has It Made? | I.S.*

Partners. I.S. Partners, LLC.

<https://www.ispartnersllc.com/blog/gdpr-one-year-later-impact/>

The Knowledge Academy. (2023, June 28). *Advantages and Disadvantages of GDPR - Pros &*

Cons. The Knowledge Academy.

<https://www.theknowledgeacademy.com/blog/advantages-and-disadvantages-of-gdpr/>