



DATA SECURITY FOR VIRGINIA

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OLD DOMINION UNIVERSITY
CRJS 406

To: Governor Commonwealth of Virginia

From: Marshall Brown

Subject: Personal information/data protection

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Overview:

Privacy is about your right to control your personal information, deciding how it's collected, used, and shared by others. In Virginia there isn't strong rules or protections in place meaning your sensitive data can be at risk of being accessed, stolen, or misused. This lack of protection can lead to serious consequences like identity theft, financial scams, discrimination, and unwelcome intrusions into your personal life. However, as Governor you have the ability to change that. Biometric data, like fingerprints or facial recognition, serves as a unique way to identify or authenticate someone. Personally Identifiable Information (PII) includes details like your name, Social Security number, address, and birthdate that can be used to identify you. That is just one factor you can include into a new data security policy, but more will be discussed in this memo.

GDPR Overview:

The General Data Protection Regulation (GDPR) is a significant privacy law created by the European Union (EU) to protect the personal data of EU citizens and residents. It applies to all organizations, regardless of where they are located, if they handle personal data from people within the EU. The GDPR includes various principles like transparency, which means organizations must be clear about how they use personal data, and purpose limitation, which means they can only collect data for specific and legitimate reasons. Other principles include data minimization (collecting only what's necessary), accuracy (keeping data correct), storage

limitation (not keeping data longer than needed), integrity (keeping data secure), and confidentiality (protecting data from unauthorized access). These principles are meant to ensure that an individual's privacy rights are respected and upheld.

Other States' Privacy Initiatives:

Privacy protection laws in the United States vary widely, with each state taking its own approach to safeguarding the personal information of its residents. Among these, California has emerged as a trailblazer with its California Consumer Privacy Act (CCPA), a comprehensive piece of legislation aimed at empowering Californians with greater control over their personal data. The CCPA offers a suite of rights designed to put individuals in the driver's seat when it comes to their privacy. For instance, residents of California have the right to know what personal information businesses collect about them, including how it's used and shared. They also have the right to request the deletion of their data and to opt-out of the sale of their information to third parties. These provisions give Californians the ability to manage their digital footprint and make informed choices about their privacy preferences.

Furthermore, the CCPA imposes significant responsibilities on businesses that handle Californian personal information. Companies must provide clear and transparent disclosures about their data practices, ensuring that individuals understand how their information is being used. They are also required to implement robust security measures to protect personal data from unauthorized access, breaches, or misuse. Additionally, businesses must respect consumers' rights requests, promptly responding to inquiries and requests to delete or stop selling personal information. By holding businesses accountable for their data practices and empowering individuals with rights over their information, the CCPA sets a new standard for privacy protection in the digital age.

Recommendations:

To effectively tackle the mounting concerns surrounding personal data protection, you should adopt a comprehensive strategy that encompasses both state and federal initiatives. At the state level, Virginia could mimic the success of the California Consumer Privacy Act (CCPA) by enacting its own legislation tailored to the specific needs of its residents and businesses. This would provide Virginians with immediate safeguards against the unauthorized use and exploitation of their personal information, addressing pressing issues unique to the state. Additionally, state-level legislation allows for greater flexibility in accommodating the diverse needs and preferences of Virginia's populace and industries.

Additionally, you should actively engage in advocating for federal legislation aimed at establishing consistent and robust data protection standards nationwide. Federal laws would ensure uniform protections for all Americans, regardless of their state of residence, thereby eliminating potential disparities and ensuring a level playing field in the digital realm. This cohesive approach would foster greater trust and confidence among individuals and businesses alike, sustaining the integrity of the nation's data ecosystem.

However, navigating the complexities of federal governance and garnering consensus among stakeholders will undoubtedly pose significant challenges. As the Governor you must navigate the sophisticated bureaucratic processes and settle the diverse interests at play to pave the way for meaningful legislative reform. Despite these obstacles, a judicious blend of state and federal efforts can lay the groundwork for a resilient framework of personal data protection that reflects the evolving needs of our increasingly digitized and interconnected society. By striking a delicate balance between state self-rule and federal overseeing, you and the addition of

policymakers can shape a path forward that ensures the fundamental right to privacy while adopting innovation and economic growth.

Best regards,

Marshall

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References:

California Consumer Privacy Act (CCPA). State of California - Department of Justice - Office of the Attorney General. (2024, March 13). <https://oag.ca.gov/privacy/ccpa>

Guidance on the protection of personal identifiable information. DOL. (n.d.).

[https://www.dol.gov/general/ppii#:~:text=Personal%20Identifiable%20Information%20\(PII\)%20is,either%20direct%20or%20indirect%20means.](https://www.dol.gov/general/ppii#:~:text=Personal%20Identifiable%20Information%20(PII)%20is,either%20direct%20or%20indirect%20means.)

What is GDPR, the EU's new Data Protection Law? GDPR.eu. (2023, September 14). <https://gdpr.eu/what-is-gdpr/>