

# Digital Content Next

Legal and Legislative Committee  
December 12, 2017

## Agenda

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- Brian Hart, Director, Office of Media Relations, Federal Communications Commission
- Section 230 Legislation – State of Play
- DCN Position on Federal Data Breach Legislation

### **Brian Hart**

Director, Office of Media Relations  
Federal Communications Commission

## Section 230 Legislation – State of Play

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Senate Commerce Committee approved SESTA

- Hold by Senator Wyden (D-OR)

House Judiciary Committee approved HOSTA today

- Supported by tech groups
- Opposed by victims' groups and Sens Portman (R-OH) and Blumenthal (D-CT)

Key Differences:

SESTA: Amends Section 1595 of title 18, U.S.C. to include the phrase “participation in a venture” to mean **knowingly** assisting or facilitating a violation of the law. Also, allows state AGs to bring civil suits.

FOSTA: Amends Section 2421 to allow prosecution of “actions that promote, facilitate or recklessly disregard sex trafficking.” Does not include “knowing” standard and only allows state AG prosecution in limited cases.

# Federal Data Security and Breach Notification Legislation

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House Energy and Commerce Committee soliciting comments

- Due January 5

DCN 2011 Letter to House/Senate Committees re data breach:

- Preemption
- \*Narrow definition of “personal information”
- “Material” Risk
- Timing of Notification
- Responsibility of Notification
- Tech-neutral re method of notification
- \*If data security included, it should be calibrated to sensitivity of data

# Questions?

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