

Digital Content Next

Legal and Legislative Committee
January 9, 2018

Review of Anticipated 2018 Legal and Legislative Issues

- Federal Data Breach Legislation
- Video Privacy Protection Act (VPPA) Technical Correction
- General Data Protection Regulation (GDPR) and ePrivacy Regulation
- Section 230 Legislation
- Net Neutrality
- Other?

House Energy and Commerce Subcommittee on Digital Commerce and Consumer Protection solicited comments

DCN Position Paper

- 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

Conversations with News Media Alliance re technical correction language

- subscriber = one who regularly pays money
- Carve out for “service providers”

DCN will reconvene VPPA Subcommittee

General Data Protection Regulation (GDPR)

DCN GDPR Working Group has held several calls/meetings to share:

- Legal analysis
- Compliance strategies
- Product design

Next Steps:

- Webinar with various vendors
- Enlist outside counsel for assistance in identifying purposes for which consent will be needed
- (Maybe) develop common language/user interface for consent
- Tracking ePrivacy Regulation

Section 230 Legislation – State of Play

Stop Enabling Sex Traffickers Act of 2017 (SESTA) (S. 1693)

- Lead sponsors Sens. Rob Portman (R-OH) and Richard Blumenthal (D-CT)
- Approved by Senate Commerce on November 8, 2017
- Hold placed by Senator Ron Wyden (D-OR)
- Currently 63 cosponsors (40 R / 23 D)
 - Secured 60th cosponsor on January 3, 2018, allowing Senate to move to floor consideration
- Sen. Portman pushing for consideration on January 11, 2018 (National Human Trafficking Awareness Day)

Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA) (H.R. 1865)

- Lead sponsor Rep. Ann Wagner (R-MO)
- Approved by House Judiciary December 12, 2017 as amended by Judiciary Chairman Bob Goodlatte
- Currently 173 cosponsors (113 R / 60 D)
- DOJ to release FOSTA support letter by end of January 2018
- Vocal opposition from Sens. Portman and Blumenthal
- Projected floor consideration in January 2018

Restoring Internet Freedom Order

- FCC voted 3-2 along party lines on December 14, 2017 to approve plan to repeal net neutrality
- Likely to be challenged in court
 - Internet Association to support court cases to protect net neutrality
- States moving net neutrality legislation

Congress

- Rep. Marsha Blackburn (R-TN) introduced legislation to ban blocking and throttling, silent on paid prioritization
- Democrats pushing CRA
 - Led by Sen. Ed Markey (D-MA) in Senate
 - Currently 38 cosponsors (30 needed to force floor consideration)
 - To be led by Rep. Mike Doyle (D-PA) in House

Other Issues?
