

To: Governor Tar-Míriel

From: Jaden Martin

Subject: Implementation of Privacy Laws/Security

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To understand the issues involved with the citizens of Virginia, the importance of privacy protection must be provided and explained for acknowledgment and understanding. Privacy is described as “the right of a party to maintain control over and confidentiality of information about itself” (NIST 2024). Regarding the protection of privacy for every citizen of our society, it all rests on the laws and tribulations embedded in our society from the state and federal governments. Invasion of privacy is a severe problem involving the citizens of Virginia. The information that can potentially be obtained and used for harmful and malicious intent is called Personally Identifiable Information (PII). This information can be used to find, steal, or trace a person’s identity. Information such as an individual’s full name, social security number, and their personal phone numbers are just three of the many examples of PII. In this case, Virginians have been victim to their PII being obtained, creating situations in which they are stuck or misused. While we do have privacy protection plans and laws, such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Video Privacy Protection Act, Title 18, U.S. Code, Section 2710 (Klena 2024), not implementing them correctly or someone being victim to an individual getting around the system could cause disastrous effects. Effects such as a person being charged through credit bills and loans that they never had in the first place or stealing a person bank account information. Another layer of privacy protection is through the utilization of

biometric data. Biometric data are behavioral or physical characteristics of an individual that can be applied to recognition of technology. This can range from the typical fingerprint scan to something less common, such as the way you walk (Gait) (Klena 2024). With so many methods of access and security, it sounds asinine to think that the citizens have issues within their privacy. These methods are the reasons for their issues. The problems stem on trustworthiness, confidentiality, and integrity, all of which are being questioned currently.

The citizens have brought forth an idea to implement a law that closely resembles the GDPR. The GDPR is a European Union Law that helps us determine how we can save and use personal data. While individuals within the U.S. are not typically a part of this law, any individuals within the European Union's outside of Europe are able to benefit from the GDPR. This law establishes principles and guidelines regarding the processing and protection of data for individuals. Principles such as lawfulness and transparency, as well as data minimization and storage limitation (Wolford 2023). These different principles ensure that data and PII from individuals are protected with the mindset of confidentiality and integrity being the main basis for protection. Along with the principles, are the rights that individuals are entitled to when their data is being processed. Some rights, such as the right to be informed and the right to access certify individuals that information is always accessible to them, unless stated otherwise. The other rights such as the right to rectification and the right to erasure, give individuals the choice of having their information unable to use or to completely get rid of in insinuating circumstances. Having a law resembling the GDPR would give individuals closure as well as understanding towards how their information is protected and secured.

Virginian's also have an issue with the fact that other states are implementing/have implemented laws regarding their privacy and data protection. Some states, such as Illinois and

Texas have already begun to execute laws regarding biometric data and privacy protection plans. In 2018, California was the first state to create and implement privacy laws such as the California Consumer Privacy Act (CCPA) and California Privacy Rights Act (CPRA) (Bloomberg 2023). These laws paved the way for individuals and businesses to have their personal information protected under the privacy law. Another example is Colorado enacting their own set of laws regarding privacy and data protection. Colorado's CPA law laid out rights for consumers within Colorado, which ranged from the right to delete to the right of data portability (Bloomberg 2023). States other than Virginia have executed strict laws regarding privacy, with only successful interactions and scrutiny from citizens.

Governor Tar-Miriel should begin to set a plan for enacting a personal information/ data protection law since privacy and data protection is particularly important in the eyes of the citizens, and not focusing on such a topic could begin to unravel the society. It will be more difficult to try to get the Federal government to enact a law regarding that when it is not specifically stated in the Constitution at all. Only brief mentions of privacy are within the documents of the Constitution. Also, trying to implement such laws into the states would help most citizens almost immediately. Ensuring that perpetrators are punished for their crimes as well as creating a comfortable environment for the citizens themselves would help the reputation of the state government as well. This would also cause a boost in the innovation and creations of different methods of privacy, as seen with the implementation of biometric data and security. Now, if the governor attempts to the Federal Government involved with the situation could cause a huge uprising in content and happy citizens if done properly. It would have a much bigger turnout because of how big the Federal Government is. Trust, integrity, and confidentiality are the most vital facts of this situation. Governor, if the citizens have all three of these factors with

their information and PII, the incidents will cease to be. It would not be a 100% change, but it would help in the long term not just for the state of Virginia, but for the country as well.

## References

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