



INFORMATION PRIVACY LAW COURSE SERIES

Consumer Data and US Regulation Part II: Statutory Law

SELECTED LIST OF FEDERAL STATUTES PERTAINING TO INFORMATION PRIVACY

Fair Credit Reporting Act (FCRA) of 1970

15 U.S.C. §§ 1681 et seq.

Provides citizens with rights regarding the use and disclosure of their personal information by credit reporting agencies.

Bank Secrecy Act of 1970

Pub. L. No. 91-508

Requires banks to maintain reports of people's financial transactions to assist in government white collar investigations.

The Privacy Act of 1974

5 U.S.C. § 552a

Provides individuals with a number of rights concerning their personal information maintained in government record systems, such as the right to see one's records and to ensure that the information in them is accurate.

Family Educational Rights and Privacy Act (FERPA) of 1974

20 U.S.C. §§ 1221 note, 1232g

Protects the privacy of school records.

Right to Financial Privacy Act of 1978

12 U.S.C. §§ 3401–3422

Requires a subpoena or search warrant for law enforcement officials to obtain financial records.

Foreign Intelligence Surveillance Act (FISA) of 1978

15 U.S.C. §§ 1801-1811

Regulates foreign intelligence gathering within the U.S.

Privacy Protection Act of 1980

42 U.S.C. § 2000aa

Restricts the government's ability to search and seize the work product of the press and the media.

Cable Communications Policy Act (CCPA) of 1984

47 U.S.C. § 551

Mandates privacy protection for records maintained by cable companies.

Electronic Communications Privacy Act (ECPA) of 1986

18 U.S.C §§ 2510–2522 et seq.

Updates federal electronic surveillance law to respond to the new developments in technology.

Computer Matching and Privacy Protection Act of 1988

5 U.S.C. §§ 552a

Regulates automated investigations conducted by government agencies comparing computer files.

Employee Polygraph Protection Act of 1988

29 U.S.C. §§ 2001–2009

Governs the use of polygraphs by employers.

Video Privacy Protection Act (VPPA) of 1988

18 U.S.C. §§ 2710–2711

Protects the privacy of videotape rental information.

Telephone Consumer Protection Act (TCPA) of 1991

47 U.S.C. § 227

Provides certain remedies from repeat telephone calls by telemarketers.

Driver's Privacy Protection Act (DPPA) of 1994

18 U.S.C. §§ 2721–2725

Restricts the states from disclosing or selling personal information in their motor vehicle records.

Communications Assistance for Law Enforcement Act (CALEA) of 1994

Pub. L. No. 103-414

Requires telecommunication providers to design their infrastructure to facilitate government interceptions of communications and surveillance with proper legal authority.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Pub. L. No. 104-193

Requires the collection of personal information (including Social Security numbers, addresses, and wages) of all people who obtain a new job anywhere in the nation. This information is placed in a national database to help track parents who evade child support obligations.

Health Insurance Portability and Accountability Act (HIPAA) of 1996

Regulations at 45 C.F.R. §§ 160-164

Gives the Department of Health and Human Services (HHS) the authority to promulgate regulations governing the privacy of medical records.

Telecommunications Act of 1996

47 U.S.C. §222

Protects the confidentiality of “consumer proprietary network information” (CPNI).

Identity Theft and Assumption Deterrence Act of 1998

18 U.S.C. § 1028

Criminalizes the transfer or use of fraudulent identification with the intent to commit unlawful activity.

Children’s Online Privacy Protection Act (COPPA) of 1998

15 U.S.C. §§ 6501–6506

Restricts the use of information gathered from children under age 13 by Internet websites and mandates parental consent before websites may use the personal information of children.

Gramm-Leach-Bliley Act (GLBA) of 1999

15 U.S.C. §§ 6801–6809

Requires privacy notices and provides opt-out rights when financial institutions seek to disclose personal data to other companies.

CAN-SPAM Act of 2003

15 U.S.C. §7701-7713

Provides penalties for the transmission of unsolicited e-mail.

USA-PATRIOT Act of 2001

Pub. L. No. 107-56

Amends a number of electronic surveillance statutes and other statutes to facilitate law enforcement investigations and access to information.

Federal Information Security Management Act (FISMA) of 2002

44 U.S.C. §3541

Requires federal agencies to have a “comprehensive framework” for data security to protect personal data.

Fair and Accurate Credit Transactions Act (FACTA) of 2003

Pub. L. No. 108-159

Amends and updates the Fair Credit Reporting Act, providing (among other things) additional protections against identity theft.

Video Voyeurism Prevention Act of 2004

18 U.S.C. § 1801

Criminalizes the capturing of nude images of people (when on federal property) under circumstances where they have a reasonable expectation of privacy.

REAL ID Act of 2005

Pub. L. No. 109-13

Establishes standards for state-issued driver’s licenses and ID cards.

FISA Amendments Act (FAA) of 2008

Pub. L. No. 110-261

Permits bulk collection of data from U.S. telecommunications facilities as long as in accordance with judicially-approved “targeting procedures”

Health Information Technology for Economic and Clinical Health Act (HITECH Act) of 2009

Pub. L. No. 111-5

Expands HIPAA’s coverage, strengthens penalties for HIPAA violations, and provides for data breach notification under HIPAA.

USA Freedom Act of 2015

Pub. L. No. 114-23

Bans bulk collection of Americans’ Internet metadata and telephone records under the USA Patriot Act §215

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