

## Suggested Data Privacy Legislative Language

The American Land Title Association (ALTA), which represents the real estate settlement services, abstract and title insurance industry, has been a long-time advocate for efforts to protect the personal information of consumers. Since 2013, industry standards encompassed in ALTA's Best Practices have included requirements for a written privacy and information security program to protect non-public personal information.

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ALTA believes any comprehensive data privacy legislation should include a full entity exemption for entities subject to the Gramm-Leach-Bliley Act (GLBA). Since 1999, this federal law has strictly limited financial institutions' use and sharing of customers' personal information. Additionally, financial institutions are required to assure the security of this information and provide comprehensive disclosures to consumers.

In order for this proven consumer protection regime to continue functioning effectively, ALTA proposes the inclusion of the following language in proposed privacy bills:

*A [covered entity/company/operator] under this section does not include a financial institution, or an affiliate of a financial institution, that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or the regulations adopted pursuant thereto.*

*"Affiliate of a financial institution" is any company that controls, is controlled by, or is under common control with another company.*

*"Control" of a company means:*

- (1) Ownership, control, or power to vote 25 percent or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;*
- (2) Control in any manner over the election of a majority of the directors, trustees, or general partners (or individuals exercising similar functions) of the company; or*
- (3) The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company as determined by the applicable prudential regulator (as defined in 12 U.S.C. 5481(24)), if any.*