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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To establish a centralized system to allow individuals to request the simultaneous deletion of their personal identifiers across certain data brokers, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. TRAHAN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To establish a centralized system to allow individuals to request the simultaneous deletion of their personal identifiers across certain data brokers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Data Elimination and  
5 Limiting Extensive Tracking and Exchange Act” or the  
6 “DELETE Act”.

7 **SEC. 2. DATA DELETION REQUIREMENTS.**

8 (a) DATA BROKER ANNUAL REGISTRATION.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this section, the Commis-  
3           sion shall promulgate regulations to require any data  
4           broker to—

5                   (A) not later than 18 months after the  
6                   date of enactment of this section, and annually  
7                   thereafter, register with the Commission; and

8                   (B) provide the following information with  
9                   such registration:

10                           (i) The name and primary physical,  
11                           email, and uniform resource locator (URL)  
12                           addresses of the data broker.

13                           (ii) If the data broker permits an indi-  
14                           vidual to opt out of the data broker’s col-  
15                           lection or use of personal information, cer-  
16                           tain sales of such information, or its data-  
17                           bases—

18                                   (I) the method for requesting an  
19                                   opt-out;

20                                   (II) any limitations on the type  
21                                   of data collection, uses, or sales for  
22                                   which an individual may opt-out; and

23                                   (III) whether the data broker  
24                                   permits an individual to authorize a

1                   third party to perform the opt-out on  
2                   the individual's behalf.

3                   (iii) A response to a standardized  
4                   form (as issued by the Commission) speci-  
5                   fying the types of information the data  
6                   broker collects or obtains and the sources  
7                   from which the data broker obtains data.

8                   (iv) A statement as to whether the  
9                   data broker implements a credentialing  
10                  process and, if so, a description of that  
11                  process.

12                  (v) Any additional information or ex-  
13                  planation the data broker chooses to pro-  
14                  vide concerning its data collection prac-  
15                  tices.

16                  (vi) Any other information determined  
17                  appropriate by the Commission.

18                  (2) PUBLIC AVAILABILITY.—

19                  (A) IN GENERAL.—The Commission shall  
20                  make the information described in paragraph  
21                  (1) publicly available in a downloadable and  
22                  machine-readable format, except in the event  
23                  that the Commission—

1 (i) determines that the risk of making  
2 such information available is not in the in-  
3 terest of public safety or welfare; and

4 (ii) provides a justification for such  
5 determination.

6 (B) DISCLAIMER.—The Commission shall  
7 include on the website of the Commission a dis-  
8 claimer that—

9 (i) the Commission cannot confirm  
10 the accuracy of the responses provided by  
11 the data brokers in the registration de-  
12 scribed in paragraph (1); and

13 (ii) individuals may contact such data  
14 brokers at their own risk.

15 (b) CENTRALIZED DATA DELETION SYSTEM.—

16 (1) ESTABLISHMENT.—

17 (A) IN GENERAL.—Not later than 1 year  
18 after the date of enactment of this section, the  
19 Commission shall promulgate regulations to es-  
20 tablish a centralized system that—

21 (i) implements and maintains reason-  
22 able security procedures and practices (in-  
23 cluding administrative, physical, and tech-  
24 nical safeguards) appropriate to the nature  
25 of the information and the purposes for

1           which the personal information will be  
2           used, to protect individuals' personal infor-  
3           mation from unauthorized use, disclosure,  
4           access, destruction, or modification; and

5                   (ii) allows an individual, through a  
6           single submission, to request that every  
7           data broker who is registered under sub-  
8           section (a) and who maintains any per-  
9           sistent identifiers (as described in subpara-  
10          graph (B)(iii)) delete any personal infor-  
11          mation related to such individual held by  
12          such data broker or affiliated legal entity  
13          of the data broker.

14                   (B) REQUIREMENTS.—The centralized sys-  
15          tem established in subparagraph (A) shall meet  
16          the following requirements:

17                   (i) Subject to the regulations promul-  
18          gated in accordance with paragraph  
19          (2)(B)(ii), the centralized system shall  
20          allow an individual to request the deletion  
21          of all personal information related to such  
22          individual through a single deletion re-  
23          quest.

1           (ii) The centralized system shall pro-  
2           vide a standardized form to allow an indi-  
3           vidual to make such request.

4           (iii) Such standardized form shall in-  
5           clude the individual's email, phone number,  
6           physical address, and any other persistent  
7           identifier determined by the Commission to  
8           aid in the deletion request.

9           (iv) The centralized system shall auto-  
10          matically hash all submitted information  
11          and allow the Commission to maintain  
12          independent hashed registries of each type  
13          of information obtained through such form.

14          (v) The centralized system shall only  
15          permit data brokers who are registered  
16          with the Commission to submit hashed  
17          queries to the independent hashed reg-  
18          istries described in clause (iv).

19          (vi) The centralized system shall allow  
20          an individual to make such request using  
21          an internet website operated by the Com-  
22          mission.

23          (vii) The centralized system shall not  
24          charge the individual to make such re-  
25          quest.

1 (viii) The centralized system shall  
2 automatically delete any individual data  
3 field stored in the system once such data  
4 field has been stored in the centralized sys-  
5 tem for 2 years. The Commission shall in-  
6 form the individual of this automatic dele-  
7 tion period when the individual makes a  
8 deletion request. Beginning 4 years after  
9 the date of enactment of this Act, the  
10 Commission may promulgate rules to ad-  
11 just such retention period or enable auto-  
12 matic renewal of requests if it determines  
13 that such adjustment or automatic renewal  
14 would better protect individual privacy or  
15 the public interest.

16 (C) TRANSITION.—

17 (i) IN GENERAL.—Not later than 8  
18 months after the effective date of the regu-  
19 lations promulgated under subparagraph  
20 (A), each data broker shall—

21 (I) not less than once every 31  
22 days, access the hashed registries  
23 maintained by the Commission as de-  
24 scribed in subparagraph (B)(iv); and

1 (II) process any deletion request  
2 associated with a match between such  
3 hashed registries and the records of  
4 the data broker.

5 (ii) FTC GUIDANCE.—Not later than  
6 6 months after the effective date of the  
7 regulations promulgated under subpara-  
8 graph (A), the Commission shall publish  
9 guidance on the process and standards to  
10 which a data broker must adhere in car-  
11 rying out clause (i).

12 (2) DELETION.—

13 (A) INFORMATION DELETION.—

14 (i) IN GENERAL.—Subject to clause  
15 (ii), not later than 31 days after accessing  
16 the hashed registries described in para-  
17 graph (1)(B)(iv), a data broker and any  
18 associated legal entity shall delete all per-  
19 sonal information in its possession related  
20 to the individual making the request. Im-  
21 mediately following the deletion, the data  
22 broker shall send an affirmative represen-  
23 tation to the Commission with the number  
24 of records deleted pursuant to each match  
25 with a value in the hashed registries.



1 (ii) EXCLUSIONS.—In carrying out  
2 clause (i), a data broker may retain, where  
3 required, the following information:

4 (I) Any personal information that  
5 is processed or maintained solely as  
6 part of human subjects research con-  
7 ducted in compliance with any legal  
8 requirements for the protection of  
9 human subjects.

10 (II) Any personal information  
11 necessary to comply with a warrant,  
12 subpoena, court order, rule, or other  
13 applicable law.

14 (III) Any personal information  
15 related to the suppression list de-  
16 scribed in subparagraph (B)(ii).

17 (IV) Any information necessary  
18 for an activity described in subsection  
19 (e)(3)(B), provided that the retained  
20 information is used solely for any  
21 such activity.

22 (iii) USE OF INFORMATION.—Any per-  
23 sonal information excluded under clause  
24 (ii) may only be used for the purpose de-  
25 scribed in the applicable subclause of

1 clause (ii), and may not be used for any  
2 other purpose, including marketing pur-  
3 poses.

4 (B) DO NOT TRACK LIST; SUPPRESSION  
5 LIST.—

6 (i) DO NOT TRACK LIST.—Not later  
7 than 18 months after the date of enact-  
8 ment of this section, the Commission shall  
9 promulgate regulations to prohibit any  
10 data broker registered under subsection (a)  
11 from collecting or retaining personal infor-  
12 mation on any individual who has sub-  
13 mitted a deletion request through the cen-  
14 tralized system established in paragraph  
15 (1)(A), unless such data collection is re-  
16 quested by the individual.

17 (ii) SUPPRESSION LIST.—Not later  
18 than 18 months after the date of enact-  
19 ment of this section, the Commission shall  
20 promulgate regulations to ensure that—

21 (I) any individual who submits a  
22 deletion request through the central-  
23 ized system established in paragraph  
24 (1) shall be included on the Do Not  
25 Track list described in clause (i); and

1 (II) each data broker registered  
2 under subsection (a)—

3 (aa) may not collect or re-  
4 tain more personal information  
5 than is necessary to identify an  
6 individual who is included on the  
7 Do Not Track list; and

8 (bb) in the case that unnec-  
9 essary personal information is  
10 collected or retained, shall imme-  
11 diately delete any personal infor-  
12 mation not required to comply  
13 with the regulations promulgated  
14 under this subparagraph.

15 (C) ANNUAL REPORT.—Each data broker  
16 registered under subsection (a) shall submit to  
17 the Commission, on an annual basis, a report  
18 on—

19 (i) the completion rate with respect to  
20 the completion of deletion requests under  
21 subparagraph (A); and

22 (ii) the effectiveness of the suppres-  
23 sion list under subparagraph (B)(ii), in-  
24 cluding—

1 (I) the number of times the data  
2 broker collected personal information  
3 related to an individual included on  
4 the suppression list;

5 (II) the number of times the data  
6 broker collected data resulting in a  
7 match with the hashed registries  
8 maintained by the Commission as de-  
9 scribed in paragraph (1)(B)(iv); and

10 (III) whether the regulations pro-  
11 mulgated under subparagraph (B)  
12 and the structure or format of the  
13 hashed registries promote efficient  
14 comparison of the suppression list  
15 with information collected or retained  
16 by the data broker.

17 (D) AUDIT.—

18 (i) IN GENERAL.—Not later than 3  
19 years after the date of enactment of this  
20 section, and every 3 years thereafter, each  
21 data broker registered under subsection (a)  
22 shall undergo an independent third party  
23 audit to determine compliance with this  
24 subsection.

1 (ii) AUDIT REPORT.—Not later than 6  
2 months after the completion of any audit  
3 under clause (i), each such data broker  
4 shall submit to the Commission any report  
5 produced as a result of the audit, along  
6 with any related materials.

7 (iii) MAINTAIN RECORDS.—Each such  
8 data broker shall maintain the materials  
9 described in clause (ii) for a period of not  
10 less than 6 years.

11 (3) ANNUAL FEE.—

12 (A) IN GENERAL.—Subject to subpara-  
13 graph (B), each data broker registered under  
14 subsection (a) and who maintains any per-  
15 sistent identifiers (as described in paragraph  
16 (1)(B)(iii)) shall pay to the Commission, on an  
17 annual basis, a subscription fee determined by  
18 the Commission to access the database.

19 (B) LIMIT.—The amount of the subscrip-  
20 tion fee under subparagraph (A) may not ex-  
21 ceed 1 percent of the expected annual cost of  
22 operating the centralized system and hashed  
23 registries described in paragraph (1), as deter-  
24 mined by the Commission.

1           (C) AVAILABILITY.—Any amounts col-  
2           lected by the Commission pursuant to this  
3           paragraph shall be available without further ap-  
4           propriation to the Commission for the purpose  
5           of enforcing and administering this Act, includ-  
6           ing the implementation and maintenance of  
7           such centralized system and hashed registries  
8           and the promotion of public awareness of the  
9           centralized system.

10       (c) ENFORCEMENT BY THE COMMISSION.—

11           (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
12           TICES.—A violation of subsection (a) or (b) or a reg-  
13           ulation promulgated under this Act shall be treated  
14           as a violation of a rule defining an unfair or decep-  
15           tive act or practice under section 18(a)(1)(B) of the  
16           Federal Trade Commission Act (15 U.S.C.  
17           57a(a)(1)(B)).

18           (2) POWERS OF THE COMMISSION.—

19           (A) IN GENERAL.—The Commission shall  
20           enforce this section in the same manner, by the  
21           same means, and with the same jurisdiction,  
22           powers, and duties as though all applicable  
23           terms and provisions of the Federal Trade  
24           Commission Act (15 U.S.C. 41 et seq.) were in-  
25           corporated into and made a part of this Act.

1 (B) PRIVILEGES AND IMMUNITIES.—Any  
2 person who violates subsection (a) or (b) or a  
3 regulation promulgated under this Act shall be  
4 subject to the penalties and entitled to the  
5 privileges and immunities provided in the Fed-  
6 eral Trade Commission Act (15 U.S.C. 41 et  
7 seq.).

8 (C) AUTHORITY PRESERVED.—Nothing in  
9 this section shall be construed to limit the au-  
10 thority of the Commission under any other pro-  
11 vision of law.

12 (D) RULEMAKING.—The Commission shall  
13 promulgate in accordance with section 553 of  
14 title 5, United States Code, such rules as may  
15 be necessary to carry out this section.

16 (d) STUDY AND REPORT.—

17 (1) STUDY.—The Commission shall conduct a  
18 study on the implementation and enforcement of this  
19 section. Such study shall include—

20 (A) an analysis of the effectiveness of the  
21 centralized system established in subsection  
22 (b)(1)(A);

23 (B) the number deletion requests sub-  
24 mitted annually using such centralized system;

1           (C) an analysis of the progress of coordi-  
2           nating the operation and enforcement of such  
3           requests with similar systems established and  
4           maintained by the various States; and

5           (D) any other area determined appropriate  
6           by the Commission.

7           (2) REPORT.—Not later than 3 years after the  
8           date of enactment of this section, and annually  
9           thereafter for each of the next 4 years, the Commis-  
10          sion shall submit to the Committee on Commerce,  
11          Science, and Transportation of the Senate and the  
12          Committee on Energy and Commerce of the House  
13          of Representatives a report containing—

14                (A) the results of the study conducted  
15                under paragraph (1);

16                (B) a summary of any enforcement actions  
17                taken pursuant to this Act; and

18                (C) recommendations for such legislation  
19                and administrative action as the Commission  
20                determines appropriate.

21          (e) DEFINITIONS.—In this section:

22                (1) COMMISSION.—The term “Commission”  
23                means the Federal Trade Commission.



1           (2) CREDENTIALING PROCESS.—The term  
2 “credentialing process” means the practice of taking  
3 reasonable steps to confirm—

4           (A) the identity of the entity with whom  
5 the data broker has a direct relationship;

6           (B) that any data disclosed to the entity  
7 by such data broker will be used for the de-  
8 scribed purpose of such disclosure; and

9           (C) that such data will not be used for un-  
10 lawful purposes.

11           (3) DATA BROKER.—

12           (A) IN GENERAL.—The term “data  
13 broker” means an entity that knowingly collects  
14 or obtains the personal information of an indi-  
15 vidual with whom the entity does not have a di-  
16 rect relationship and then—

17           (i) uses the personal information to  
18 perform a service for a third party; or

19           (ii) sells, licenses, trades, provides for  
20 consideration, or is otherwise compensated  
21 for disclosing personal information to a  
22 third party.

23           (B) EXCLUSION.—The term “data broker”  
24 does not include an entity who solely uses, sells,  
25 licenses, trades, provides for consideration, or is

1 otherwise compensated for disclosing personal  
2 information for one or more of the following ac-  
3 tivities:

4 (i) Providing 411 directory assistance  
5 or directory information services, including  
6 name, address, and telephone number, on  
7 behalf of or as a function of a tele-  
8 communications carrier.

9 (ii) Providing an individual's publicly  
10 available information if the information is  
11 being used by the recipient as it relates to  
12 that individual's business or profession.

13 (iii) Providing or using personal infor-  
14 mation in a manner that is regulated  
15 under another Federal or State law, in-  
16 cluding the Fair Credit Reporting Act, the  
17 Gramm-Leach-Bliley Act, or the Health  
18 Insurance Portability and Accountability  
19 Act.

20 (iv) Providing personal information to  
21 a third party at the express direction of  
22 the individual for a clearly disclosed single-  
23 use purpose.

24 (v) Providing or using personal infor-  
25 mation for assessing, verifying, or authen-

1           ticating an individual’s identity, or for in-  
2           vestigating or preventing actual or poten-  
3           tial fraud.

4                   (vi) Gathering, preparing, collecting,  
5           photographing, recording, writing, editing,  
6           reporting, or publishing news or informa-  
7           tion that concerns local, national, or inter-  
8           national events or other matters of public  
9           interest for dissemination to the public.

10           (C) EXCLUSION FROM SALE.—

11                   (i) IN GENERAL.—For purposes of  
12           this paragraph, the term “sells” does not  
13           include a one-time or occasional sale of as-  
14           sets of an entity as part of a transfer of  
15           control of those assets that is not part of  
16           the ordinary conduct of the entity.

17                   (ii) NOTICE REQUIRED.—To meet the  
18           exclusion criteria described in clause (i), an  
19           entity must provide notice to the Commis-  
20           sion, in the manner determined appro-  
21           priate by the Commission, of any such one-  
22           time or occasional sale of assets.

23                   (4) DELETE.—The term “delete” means to re-  
24           move or destroy information such that the informa-  
25           tion is not maintained in human- or machine-read-

1       able form and cannot be retrieved or utilized in such  
2       form in the normal course of business.

3           (5) DIRECT RELATIONSHIP.—

4           (A) IN GENERAL.—The term “direct rela-  
5       tionship” means a relationship between an indi-  
6       vidual and an entity where the individual—

7           (i) is a current customer;

8           (ii) has obtained a good or service  
9       from the entity within the prior 18  
10       months; or

11          (iii) has made an inquiry about the  
12       products or services of the entity within  
13       the prior 90 days.

14          (B) EXCLUSION.—The term “direct rela-  
15       tionship” does not include a relationship be-  
16       tween an individual and a data broker where  
17       the individual’s only connection to the data  
18       broker is based on the individual’s request—

19          (i) for the data broker to delete the  
20       personal information of the individual; or

21          (ii) to opt-out of the data broker’s col-  
22       lection or use of personal information, cer-  
23       tain sales of such information, or its data-  
24       bases.

1           (6) HASH.—The term “hash” means to input  
2           data to a cryptographic, one-way, collision resistant  
3           function that maps a bit string of arbitrary length  
4           to a fixed-length bit string to produce a cryp-  
5           tographically secure value.

6           (7) HASHED.—The term “hashed” means the  
7           type of value produced by hashing data.

8           (8) HUMAN SUBJECTS RESEARCH.—The term  
9           “human subjects research” means research that—

10           (A) an investigator (whether professional  
11           or student) conducts on a living individual; and

12           (B) either—

13           (i) obtains information or biospeci-  
14           mens through intervention or interaction  
15           with the individual, and uses, studies, or  
16           analyzes the information or biospecimens;  
17           or

18           (ii) obtains, uses, studies, analyzes, or  
19           generates personal information or identifi-  
20           able biospecimens.

21           (9) PERSONAL INFORMATION.—

22           (A) IN GENERAL.—The term “personal in-  
23           formation” means any information held by a  
24           data broker, regardless of how the information  
25           is collected, inferred, created, or obtained, that

1 is linked or reasonably linkable by the data  
2 broker to a particular individual or consumer  
3 device, including the following information:

4 (i) Financial information, including  
5 any bank account number, credit card  
6 number, debit card number, or insurance  
7 policy number.

8 (ii) A name, alias, home or other  
9 physical address, online identifier, Internet  
10 Protocol address, email address, account  
11 name, State identification card number,  
12 driver's license number, passport number,  
13 or an identifying number on a government-  
14 issued identification.

15 (iii) Geolocation information.

16 (iv) Biometric information.

17 (v) The contents of, attachments to,  
18 or parties to information, including with  
19 respect to email, text messages, picture  
20 messages, voicemails, audio conversations,  
21 or video conversations.

22 (vi) Web browsing history, including  
23 any search query.

24 (vii) Genetic sequencing information.

1 (viii) A device identifier, online identi-  
2 fier, persistent identifier, or digital  
3 fingerprinting information.

4 (ix) Any inference drawn from any of  
5 the information described in this para-  
6 graph that is used to create a profile about  
7 an individual that reflects such individual's  
8 preferences, characteristics, psychological  
9 trends, predispositions, behavior, attitudes,  
10 intelligence, abilities, or aptitudes.

11 (x) Any other information determined  
12 appropriate by the Commission.

13 (B) LINKED OR REASONABLY LINKABLE.—  
14 For purposes of subparagraph (A), information  
15 is “linked or reasonably linkable” to a par-  
16 ticular individual or consumer device if the in-  
17 formation can be used on its own or in com-  
18 bination with other information held by or read-  
19 ily accessible to a data broker to identify a par-  
20 ticular individual or consumer device.

21 (10) PROCESS.—The term “process” means to  
22 perform or direct the performance of an operation  
23 on personal information, including the collection,  
24 transmission, use, disclosure, analysis, prediction, or

1 modification of such personal information, whether  
2 or not by automated means.

3 (11) UNIFORM RESOURCE LOCATOR; URL.—The  
4 term “uniform resource locator” or “URL” means a  
5 short string containing an address that refers to an  
6 object on the web.