



## Overview & Positions: Consumer Privacy Updated March 2021

- Online, catalog and direct merchants collect customer transaction data and PII (personally identifying information) to facilitate direct transactions and meet consumer expectations. This enables retail outlets to remember their order history and shipment or billing particulars.
- Such merchants hold the trust and confidence of their customers paramount and will not do anything that may damage that trust.
- To preserve our ability to operate across the nation, merchants need clear federal privacy legislation, not 50 (or more) different approaches as many states follow California's lead in adopting their own privacy laws.
- The ACMA supports legislation that addresses the following:
  - **Express Preemption of State Laws.** Federal legislation can create much-needed standardization, but only if it provides online, catalog and other direct merchants one clear standard, as opposed to a myriad of conflicting state laws.
  - **No Right of Private Action.** An onslaught of often meritless individual lawsuits would cripple remote merchants. Allowing the FTC or another agency to serve as the gatekeeper will allow attention to be laser focused on holding bad actors accountable.
  - **Right to Cure.** In the absence of gross negligence or intentional fraud, merchants and service providers should be given a reasonable right to cure reported deficiencies before incurring financial or other penalties.
  - **Disclosure-based Regulation.** Federal legislation should provide clear guidelines for how businesses should inform consumers of their privacy rights in their privacy policies. To require express prior consumer consent would be detrimental to both businesses and consumers, as well as technologically infeasible, potentially decimating remote sellers of all kinds.
- ACMA Member companies have been actively engaging with appropriate Members of Congress on the Senate Commerce Committee and the House Energy & Commerce Committee.
  - To this end, the ACMA's Privacy Committee began work in late 2020 to engage Congress to pass a comprehensive federal privacy law.
  - As of March 2021, this work continues while the Committee works with House and Senate Members to reach this goal.

ACMA and our Privacy Committee encourage all ACMA members to contact their members of Congress and get involved. To learn more, please contact [action@catalogmailers.org](mailto:action@catalogmailers.org).

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