

From: Gleason, Angela <angela.gleason@apci.org>
Sent: Tuesday, November 5, 2019 1:36 PM
To: privacyframework <privacyframework@nist.gov>
Subject: APCIA Comments on Preliminary Draft

Please find attached comments from the American Property Casualty Insurance Association on the Preliminary Draft of the Framework. We apologize for the late delivery, but hope they can still be considered and are helpful.

Angela Gleason

American Property Casualty Insurance Association (APCIA)

555 12th Street, NW -- Suite 550

Washington, D.C. 20004

P: (202) 828-7181 | Fax: (202) 495-7868 | E-mail: angela.gleason@apci.org



October 24, 2019

Katie MacFarland
National Institute of Standards and Technology
100 Bureau Drive, Stop 2000
Gaithersburg, MD 20899

VIA Electronic Mail: privacyframework@nist.gov

RE: Preliminary Draft of the NIST Privacy Framework

Dear Ms. MacFarland:

The American Property Casualty Insurance Association (APCIA) appreciates the opportunity to respond to the National Institute of Standards and Technology's (NIST) Request for Comments on the Preliminary Draft of the Privacy Framework (Preliminary Draft). Consumer privacy and data security are priority issues for the insurance industry and, as such, we strive to maintain the balance between protecting consumer privacy and trust while meeting consumer product expectations. We believe the Preliminary Draft identifies a well-balanced approach consistent with U.S. privacy expectations and NIST's mission to promote innovation and industrial competitiveness.

Significantly, the voluntary nature of the Privacy Framework is essential. Frameworks, no matter how well-developed, rarely achieve a one-size-fits-all approach for all companies in all circumstances. The Privacy Framework is one option among others, to include: ISO 29000 and the Information Technology Industry Council's Framework to Advance Interoperable Rules on Privacy. The voluntary nature allows companies a choice in utilizing a framework, or combination of frameworks, that best suit their individual needs.

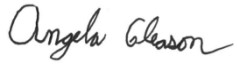
We also support the risk-based, outcome-based, and non-prescriptive approach, which allows companies to efficiently maximize human, financial and technical resources thereby meeting or exceeding consumer privacy expectations and fostering innovation. For instance, it is important to focus on the sensitivity of different types of personal information when evaluating actual risk and the controls to put in place. Associating the application of privacy principles in appropriately defined circumstances helps ensure that organizations are striking an appropriate balance between risk based due diligence and consumer protection.

Further, the compatibility attribute of the Privacy Framework is critical. We believe the Framework should help enable compliance with existing privacy laws and regulations rather than imposing a new set of requirements. This harmonization/compatibility will serve to foster innovation and speed to market by reducing the time spent analyzing and applying multiple privacy regulations. To that end, we recommend for your consideration developing an appendix or other material that would test the Privacy Framework to two recent privacy regulations – The General Data Protection Regulation and the California Consumer Privacy Protection Act. This would be a very valuable tool since, at present, it unclear how the Privacy Framework would complement these new regulations.

Finally, the Preliminary Draft may be enhanced to include a definition of digital privacy and identifying fundamental principles on which the Privacy Framework is built, such as: consent, transparency, portability, etc.)

We thank NIST for its collaborative approach and welcome the opportunity to answer any question you may have or to be of further assistance

Respectfully submitted,

A handwritten signature in cursive script that reads "Angela Gleason".

Angela Gleason
Senior Director Cyber & Counsel