

## American Property Casualty Insurance Association

January 21, 2018

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Gaithersburg, MD 20899

VIA Electronic Mail: [privacyframework@nist.gov](mailto:privacyframework@nist.gov)

RE: Docket No. 180821780-8780-01: Developing the Administration's Approach to Consumer Privacy

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 Information (RFI) on the development of the Privacy Framework (Framework). 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 RFI identifies a well-balanced approach consistent with U.S. privacy expectations and NIST's mission to promote innovation and industrial competitiveness.

In particular, the RFI identifies seven minimum attributes for an effective Framework. We agree that all of these attributes are important elements of a workable Framework that can be utilized across industry segments. From our perspective, Attribute #4, "risk-based, outcome-based, voluntary, and non-prescriptive" and Attribute #6, "compatible with or may be paired with other privacy approaches" are fundamental for the reasons identified below.

### **Risk-Based, Outcome-Based, Voluntary, and Non-Prescriptive**

A risk-based, outcome-based, voluntary and non-prescriptive Framework allows companies to efficiently maximize human, financial and technical resources thereby meeting or exceeding consumer privacy expectations and fostering innovation. 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.

### **Compatible or Paired with other Privacy Approaches**

The insurance industry has been subject to the Gramm-Leach-Bliley Act (GLBA) and implementing privacy regulations for over two decades. Increasingly, states are considering, and adopting, privacy laws that have general applicability to all industries, including insurers. This complex patchwork of federal and state laws creates a difficult compliance environment that could negatively impact consumers rather than help them. The challenge only increase for companies operating globally as the international patchwork of laws continues to emerge as well. Hence, 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.

In addition, the RFI solicits feedback on the adoption of specific privacy practices. At this time, we do not have any specific examples to share, but note that NIST should work collaboratively with other government agencies to facilitate and promote research into privacy-enhancing technologies, such as de-identification and the use of cryptographic technologies. The research should not only focus on the benefits, limitations, and use of the technologies themselves, but also how to apply such technologies across different systems. This research could make it easier for businesses to implement privacy controls; lead to better consumer protection; and, more generally, foster regulation that meets consumer expectations and offers consumer benefits rather than establishing excessive regulatory requirements that only create burdensome implementation and execution measures.

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We thank NIST for its collaborative approach and look forward to continuing to participate in the development of the Privacy Framework. We welcome the opportunity to answer any question you may have or to be of further assistance

Respectfully submitted,

Angela Gleason  
Senior Counsel