

DRAFT: IoTAB Privacy Recommendations August 2023

Two Recommendations

Yellow means the text is new.

1. Include IoT in US Federal Privacy Regulation Proposal

Description of recommendation to the US government:

- Add IoT Data Retention Transparency: Establish guidelines for manufacturers to establish clear policies on how long business, government, and consumer data is retained
- Supports US Federal Privacy Legislation

Justification for the recommendation:

- Supports contemplated federal legislation, e.g., American Data Privacy and Protection Act (ADPPA) H. R. 8152 legislation
- Adds IoT-specific language to the ADPPA related to IoT Data Retention Transparency
- Ensures that IoT device manufacturers share a consistent set of privacy standards, enhancing business, government, and consumer data trust and protection
- Facilitates innovation by providing clear guidelines and expectations for IoT businesses, fostering a competitive and growth-oriented environment

Implementation Considerations that the US government needs to consider:

- Update the American Data Privacy and Protection Act (ADPPA) H. R. 8152 legislation to address emerging Data Privacy challenges and technological advancements related to IoT

Potential implementation barriers to the US government:

- Achieving consensus among stakeholders and state-level regulators on the most effective elements and practices to incorporate into the Federal Privacy legislation
- Ensuring compatibility with existing national and international privacy regulations

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- Balancing between protecting business, government, and consumer Data Privacy and fostering innovation in the IoT sector
- Providing resources, guidance, and support to businesses for the adoption and implementation of the IoT specific requirements

Possible participating agencies in the US government who could assist or champion this recommendation:

- Congress
- Department of Commerce (DoC)
- National Institute of Standards and Technology (NIST)
- Federal Trade Commission (FTC)

Things that the US Federal government should consider when implementing this recommendation:

- Legislation: Support IoT addition to contemplated Federal Data Privacy legislation (e.g., the American Data Privacy and Protection Act, or ADPPA)

2. **Privacy By Design for IoT**

Description of recommendation to the US government:

- The U.S. government should support the implementation of Privacy-Enhancing Technologies (PETs) in IoT systems by investing in research, standardizing privacy protection, and fostering public-private collaboration for widespread adoption.

Justification for the recommendation:

- Aligns with the US National Strategy To Advance Privacy-Preserving Data Sharing And Analytics (PPDSA), March 2023
- Supports broader U.S. goals of leveraging technology for societal benefits
- Fosters trust and promotes widespread acceptance of IoT solutions
- Minimizes data privacy risk and minimizes associated legal ramifications

Implementation Considerations that the US government needs to consider:

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- Ensuring robust security measures for PETs to improve data security
- Enhancing public understanding and trust in PETs
- Encouraging interoperability between different PETs systems

Potential implementation barriers to the US government:

- The need for more funding, research, and development to ensure PETs are reliable and secure
- Possible resistance from private sectors due to perceived risks or costs
- The complexity of developing universally accepted privacy standards for IoT

Possible participating agencies in the US government who could assist or champion this recommendation:

- The Office of Science and Technology Policy (OSTP)
- National Institute of Standards and Technology (NIST)
- Federal Trade Commission (FTC)

Things that the US Federal government should consider when implementing this recommendation:

- Coordination among various agencies and departments is critical for a unified approach.
- Balancing the economic implications of implementation with the public benefit.
- Education and awareness initiatives should be conducted to promote understanding and trust in PETs among the public.
- Use National Cybersecurity Strategy Implementation Plan July 2013 -Initiative Number: 1.2.1 Scale public-private partnerships to drive development and adoption of secure-by-design and secure-by-default technology