

## HR 5696

### PRIVATE Act

**Congress:** 117 (2021–2023, Ended)

**Chamber:** House

**Policy Area:** Science, Technology, Communications

**Introduced:** Oct 22, 2021

**Current Status:** Referred to the Subcommittee on Consumer Protection and Commerce.

**Latest Action:** Referred to the Subcommittee on Consumer Protection and Commerce. (Oct 25, 2021)

**Official Text:** <https://www.congress.gov/bill/117th-congress/house-bill/5696>

### Sponsor

**Name:** Rep. Jacobs, Chris [R-NY-27]

**Party:** Republican • **State:** NY • **Chamber:** House

### Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Case, Ed [D-HI-1]	D · HI		Oct 22, 2021
Rep. Rutherford, John H. [R-FL-4]	R · FL		Oct 22, 2021

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Oct 25, 2021

### Subjects & Policy Tags

#### Policy Area:

Science, Technology, Communications

### Related Bills

No related bills are listed.

## **Prevent Recording of Individuals with Video and Audio Technologies when not Enabled Act or the PRIVATE Act**

This bill generally prohibits collecting, transmitting, disclosing, or otherwise using data from a camera or microphone of an internet-connected device.

A device manufacturer or software application developer may not use such data unless the use is (1) reasonably required for the device's functionality, and (2) limited to instances when the individual is actively operating the device. For voice-activated functionality, the bill also prohibits data use before the functionality is activated. Additionally, individuals must expressly and affirmatively consent to data use and may revoke this consent.

To obtain consent, manufacturers and developers must provide individuals with a brief notice that describes the data use and meets other requirements. They must also maintain a separate privacy policy that details how the entity specifically uses data from a device's camera or microphone.

The Federal Trade Commission (FTC) must (1) issue guidance and sample language for brief notices, and (2) enforce the bill's prohibitions as an unfair or deceptive act or practice.

The bill provides a safe harbor from such enforcement if a manufacturer or developer obtains FTC approval for the requisite brief notice and privacy policy.

### **Actions Timeline**

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- **Oct 25, 2021:** Referred to the Subcommittee on Consumer Protection and Commerce.
- **Oct 22, 2021:** Introduced in House
- **Oct 22, 2021:** Referred to the House Committee on Energy and Commerce.