

June 30, 2019

Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue, NW  
Suite CC-5610 (Annex C)  
Washington, DC 20580

***Re: Competition and Consumer Protection in the 21st Century Hearings, Project Number P181201***

To Whom It May Concern:

The American Financial Services Association (AFSA)<sup>1</sup> thanks the Federal Trade Commission (FTC) for holding a series of public hearings on whether broad-based changes in the economy, evolving business practices, new technologies, or international developments might require adjustments to competition and consumer protection enforcement law, enforcement priorities, and policy. AFSA appreciates the opportunity to submit final written comments on the hearings.

Our comments focus on the collection, use, and protection of sensitive financial information. Financial institutions are subject to privacy and data breach notification requirements under the Gramm-Leach-Bliley Act, as well as under various and inconsistent states' laws. However, consumers remain vulnerable to identity theft and fraud because of personal and financial data breaches commonly occurring at retailers and other businesses, as was discussed in the ninth hearing that took place in December 2018. Meaningful protections and reform will require cooperation by all parties.

While we applaud the work the FTC has done in this area, AFSA strongly believes that to provide significant and consistent data protection for all consumers, the country needs a single, federal, risk-based standard. Inconsistent state laws regarding data security and the lack of a national standard for businesses that operate across state lines have resulted in uneven consumer protection, as well as significantly higher compliance costs for financial institutions. These compliance costs multiply every time a new state enacts a new—and often very different—data privacy, security and protection law. Because the financial services realm inextricably affects interstate commerce in so many ways, Congress should adopt a national risk-based standard that compels compliance by all entities that collect sensitive consumer information. The standard should be enforced on a sliding scale, similar to Gramm-Leach-Bliley standards, so that the size and complexity of businesses are taken into account. And, needless to say, the single federal standard must preempt state law and must not allow “additional” state law requirements.

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<sup>1</sup> Founded in 1916, AFSA is the national trade association for the consumer credit industry, protecting access to credit and consumer choice. AFSA members provide consumers with many kinds of credit, including traditional installment loans, mortgages, direct and indirect vehicle financing, payment cards, and retail sales finance.

Thank for the opportunity to share our views. Please contact me by phone, 202-776-7300, or email, [cwinslow@afsamail.org](mailto:cwinslow@afsamail.org), with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Celia Winslow". The signature is written in black ink and is positioned above the typed name.

Celia Winslow  
Vice President, Legal & Regulatory Affairs  
American Financial Services Association