



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection

DATE: November 22, 2019

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Lara Sutherlin, Administrator of Division of Trade and Consumer Protection

SUBJECT: Update on Data Privacy and Security Advisory Committee

PRESENTED BY: Lara Sutherlin, Administrator of Division of Trade and Consumer Protection

RECOMMENDATION: For informational purposes only. No Board action required.

SUMMARY:

At the December 12, 2019 Board meeting, Administrator Sutherlin will update the Board on the DATCP Data Privacy and Security Advisory Committee.

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Data Privacy and Security Advisory Committee

The Department of Agriculture, Trade and Consumer Protection (DATCP), Division of Trade and Consumer Protection has convened the Data Privacy and Security Advisory Committee.

The Committee includes state government representatives, business interests, data stakeholders, and advocacy groups. Given the complexity of data privacy and security, the Department plans, through the Committee, to facilitate communication across stakeholders and to develop legislation that will address data security and data breach challenges facing consumers and businesses in Wisconsin. The Committee hopes to achieve this through recommendations based on current Wisconsin law, law and proposed legislation in other states, and industry trends.

To prepare for the Advisory Committee, the agency:

- Sent an email to Chief Legal Counsels around the state system to gather information on current laws that are in place related to this data privacy and security.
- Sent letters to key stakeholders (Table 1) seeking recommendations to serve on the Advisory Committee.
- From the recommendations received by interested stakeholders, DATCP selected individuals to create an Advisory Committee that provides the expertise DATCP believes it will need to succeed in this effort (Table 2).
- Researched and identified various states with new legislation in place as well as identified both industry and consumer “model” legislation to help frame and center discussions.

The Department wants actionable items to address data security challenges. For this reason, Committee members attend monthly meetings around the state, articulate the perspectives of their represented industry specifically related to data privacy and security issues, and participate in constructive dialogue by speaking freely and listening attentively. The Department plans for the Committee to conclude its work and issue its final report to the Secretary in Summer 2020. Below are some more specific details regarding committee expectations:

- The Advisory Committee has now met three times: October 22 and December 10 in Madison and November 12 in Green Bay.
- DATCP anticipates holding eight meetings on a monthly basis.
- Tentative agendas have the committee meeting concluding in May in Madison with additional meetings in Milwaukee, Platteville, West Bend, and Eau Claire or Wausau.
- There are public comment periods during most meetings to help facilitate gathering public input to maximize efforts in reaching the goals.
- DATCP created an email account (DATCPDataAdvisory@wi.gov) for receiving public comments.
- DATCP is inviting state and national speakers to meetings to help educate and inform the committee of various details related to data breaches, privacy and security.
- DATCP does not expect a member to have expertise in all areas of data security and data privacy. Between meetings, members may choose to rely on others to seek information they believe to be helpful based on the prior meeting discussion and the upcoming meeting agenda.

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- While an organization may only have one member selected to represent their organization, DATCP encourages Advisory Committee members to invite staff from their represented interest to attend meetings and sit “in the gallery”. Therefore, lack of an official appointment should not preclude a member from participation in a different form.

Input from stakeholders across the state and available expertise, both state and national, will be critical as we form a strategy and a comprehensive plan for improving Wisconsin response to data security issues. In an effort to be sure input is gathered from all stakeholders the agency does anticipate needing to form a workgroup that includes other agency expertise in the area of data security and privacy.

Advisory Committee Goals

At the end of deliberations, the Department’s goal is to meet the following objectives:

- To identify and research possible changes to Wisconsin state law
- To determine the efficacy of consumer data privacy initiatives
- To consider how best to protect and secure information received by public and private entities in Wisconsin
- To determine the business community’s readiness to adopt potential regulatory enhancements.

Advisory Committee Contacts

Agency Representative
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Facilitator
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Table 1: Invited Stakeholders

Government	Consumer	Industry	Education
Department of Agriculture, Trade and Consumer Protection	University of Wisconsin Law School, Consumer Clinic	Wisconsin Manufacturers and Commerce	Wisconsin Technical College System
Department of Justice	American Civil Liberties Union	Wisconsin Auto and Truck Dealers Association	UW System
Department of Administration	AARP	Wisconsin Hotel and Lodging Association	Wisconsin Association of Independent Colleges & Universities
Wisconsin Counties Association	Wisconsin 4-H	Wisconsin Bankers Association	Wisconsin Association of School Boards
League of Wisconsin Municipalities	WISPIRG	Wisconsin Credit Union League	
Great Lakes Inter-Tribal Council		Wisconsin Insurance Alliance	
Wisconsin Chiefs of Police Association		Wisconsin State Telecommunications Association	
		Wisconsin Hospital Association	
		Wisconsin Medical Society	

Table 2: Advisory Committee Members

Government	Consumer	Industry	Education
Lara Sutherlin Department of Agriculture, Trade and Consumer Protection	Sarah Orr University of Wisconsin Law School, Consumer Clinic	Marco Martinez Wisconsin Bankers Association	Jim Zylstra Wisconsin Technical College System
Duane Harlow Department of Justice	Emilio De Torre American Civil Liberties Union	Chris Hefter Wisconsin Credit Union League	Michael Zimmer Wisconsin Association of Independent Colleges & Universities
Naveen Sharma Department of Justice	Helen Marks Dicks AARP	Adam Williams Wisconsin Insurance Alliance	Michelle Jensen Wisconsin Association of School District Administrators
Bill Nash Department of Administration	Peter Skopec WISPIRG	Diane Schwartz Wisconsin State Telecommunications Association	David Hotchkiss Wisconsin Association of Independent Colleges & Universities
Lisa Freiberg Wisconsin Counties Association	Jim Temmer Better Business Bureau	Jennifer Mueller Wisconsin Hospital Association	Andrew Maertz Wisconsin Association of School Boards
Jason Corbin League of Wisconsin Municipalities		Megan Balogh Wisconsin Manufacturers and Commerce	
German Gonzalez Great Lakes Inter-Tribal Council		Kamaljit Jackson Wisconsin Women's Business Initiative Corporation	
Nicholas Alexander Wisconsin Chiefs of Police Association			



Cybersecurity Month: Stepping Up to Secure Your Data

Release Date: October 2, 2019

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*A commentary from Lara Sutherlin, Administrator, DATCP
Division of Trade and Consumer Protection*

MADISON – October is Cybersecurity Month. The Department of Agriculture, Trade and Consumer Protection (DATCP) typically uses this opportunity to educate businesses and consumers alike about how best to keep consumer data safe. But this year, thanks to the support and leadership of Governor Evers and Secretary-designee Pfaff, we’re not stopping there. I’m proud to announce that DATCP is forming an Advisory Committee on Data Privacy and Security to better understand how we can effectively keep consumer data secure in our ever-changing technological economy.



Lara Sutherlin
Administrator, Division of Trade
and Consumer Protection

Participating in today’s digital economy means your personal identifying information is stored, shared, and sold like any other good or service. By some accounts, the data storage market is estimated to grow from \$56.8 billion in 2019 to \$102.2 billion by 2024.¹ This growth is driven by the constant, widespread use of smartphones, laptops, and tablets, cloud computing, and other factors.

While the storage and sharing of our personal consumer data is profitable business, keeping that data secure can be a challenge. Large scale data breaches have become common place. According to research by Risk Based Security, in the first seven months of 2019 alone, there have been over 3,800 publicly disclosed data breaches, resulting in over 4.1 billion compromised records. These are just the breaches that have been reported.

These data breaches raise important questions: what expectation can consumers have that their data will remain private and secure? How will they be notified when their data is exposed and what recourse should they have if basic security measures were not in place to prevent exposure? DATCP’s Advisory Committee on Data Privacy and Security will bring industry leaders, government officials and consumer advocates together to discuss these issues and recommend next steps. Wisconsin was once considered a national leader in Consumer Protection, but our data privacy laws have not evolved with the pace of technology. Using their expertise in data privacy and security, the members of the Advisory Committee will ask how Wisconsin can modernize its laws to address the threats posed by today’s marketplace.

We invite you to be part of this important conversation. To share your thoughts, you can email a comment to DATCPDataAdvisory@Wisconsin.gov. Or you can attend one of our public meetings around the state, where we will invite industry members and consumers to provide feedback on this critical issue.

¹ The report "Next-Generation Data Storage Market by Storage System (Direct-Attached, Network-Attached, Storage Area Network), Storage Architecture (File- & Object-Based, Block), Storage Medium (SSD, HDD, Tape), & End User – Global Forecast to 2024"

The Department of Agriculture, Trade and Consumer Protection is dedicated to serving as a resource as Wisconsin looks to the future of consumer protection. Data privacy and security are top priorities that affect all of us. We look forward to working with stakeholders, advocates, and consumers alike to meet the challenges of today's marketplace.

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