

Privacy Legislation and Contractual Authority

OPINION

“Contracts and data governance go hand-in-hand. In the absence of regulation, parties engage in private ordering – at least in theory. But even when there is regulation, contracts often play a pivotal role,” posts Jeremy Telman in ***ContractsProf Blog***.

” In most cases, data governance laws are essentially laws regulating contracts. California recently passed the country’s first real sweeping privacy law. Although it is a giant step in the right direction, it would be better if the opt-out had been an opt-in to the sale of personal information. I was delighted and surprised when blogmeister Jeremy Telman passed along information about another state that may pass legislation that may be even more proactive and protective of consumers privacy than California’s sweeping new law. That state? Oklahoma. The bi-partisan House Technology Committee unanimously passed the Oklahoma Computer Data Privacy Act, House Bill 1602, which requires technology companies to obtain ‘explicit’ permission to collect and sell consumer data. The bill now goes to the House floor.”

Read the post.