



## **NWU Legislative Position:**

### **Privacy Protections for Americans Stop the Offshoring of Personal Data**

Seeking to benefit from low-wage labor, banks, credit card companies, mortgage institutions, hospitals, insurance companies, tax preparation services, and a host of other data-intensive enterprises are moving their data processing to foreign countries that lack laws to safeguard the privacy of personal data.

Given the risk posed to the privacy of U.S. citizens by the increasing offshoring of personal data, the National Writers Union supports and advocates the following positions:

- The transmission of personally identifiable information about an American citizen outside of the U.S. requires prior notice written consent of the individual.
- The transmission of personally identifiable information about American citizens outside of the U.S. should be prohibited unless Congress determines through legislative enactment that the country to which the information is being sent has a level of legal privacy protection and enforcement infrastructure that is equal to, or stronger than, that provided by current U.S. law.
- Significant fines should be levied against the offshoring firm for each overseas privacy violation and individual consumers should be provided cause of action for each violation.
- Private sector companies should be required to provide semi-annual public reporting of the offshore handling of information protected by U.S. consumer privacy laws. In addition, private sector companies that offshore professional service work that is subject to licensing and regulation in the United States should be required to make semi-annual reports about where the work is performed, actions taken to guarantee compliance with U.S. licensing, liability insurance and quality control requirements.

Where proposed legislation conforms to these positions, the National Writers Union will support it. Where legislation falls short, the union will lobby to strengthen the legislation, or propose new legislation as needed.

For more information and background papers on offshoring see [www.nwu-oppose-offshoring.org](http://www.nwu-oppose-offshoring.org)