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March 15, 2019

Chairman Mike Crapo  
Ranking Member Sherrod Brown  
United States Senate Committee on  
Banking, Housing and Urban Affairs

Re: Request for Feedback on Data Privacy, Protection and Collection

Chairman Crapo and Ranking Member Brown:

On behalf of TSYS, please accept these comments in response to your February 13, 2019 invitation to provide feedback on the collection, use and protection of sensitive information by financial regulators and private companies. TSYS is a global payments provider with its headquarters located in Columbus, Georgia. TSYS provides financial institutions, merchants and other payment providers with the solutions they need to offer and accept secure and reliable payments. Through its NetSpend prepaid brand, TSYS also offers consumers and businesses a variety of payment options to help manage money. Every year, TSYS processes billions of transactions for consumers and businesses across the globe.

1. **What could be done through legislation, regulation, or by implementing best practices that would give consumers more control over and enhance the protection of consumer financial data, and ensure that consumers are notified of breaches in a timely and consistent manner?**

The United States Congress should adopt a national consumer privacy law that protects consumers and preempts fragmentation of regulation through a comprehensive standard that ensures consistent privacy protections for consumers and avoids a constantly evolving state-by-state approach to the regulation of consumer privacy. The national privacy law should (i) include robust protections for personal data that enhance consumer trust and demonstrate U.S. leadership as a champion for privacy by including clear and comprehensive obligations regarding the collection, use, and sharing of personal data; and (ii) be technology neutral and take a principles-based approach in order for organizations to adopt privacy protections that are appropriate to specific risks as well as provide for continued innovation and economic competitiveness in a dynamic and constantly evolving technology landscape.

To ensure that consumers are notified of data breaches in a timely and consistent manner, Congress should establish a national standard that requires consumers to be notified within a reasonable timeframe if there is a reasonable risk of harm as a result of a personal data breach. Consistency in the timing, scope, and method of notification can only be achieved through a national standard that preempts individual state laws. Otherwise, consumers will continue to be subjected to a fragmented and constantly changing set of rules as to when and under what circumstances they will be notified of a data breach.

2. **What could be done through legislation, regulation, or by implementing best practices to ensure that financial regulators and private financial companies (including third-parties that share information with financial regulators and private financial companies) provide adequate disclosure to citizens and consumers about the information that is being collected about them and for what purposes?**

Consumers should have reasonable access to clear, understandable statements about an organization's practices and policies with respect to personal data, including: information on the types of personal data collected; the purposes for which the personal data will be used; whether and for what purposes personal

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data may be disclosed or transferred to non-affiliated third parties; and the choices and means for exercising individual rights with respect to personal data.

3. What could be done through legislation, regulation, or by implementing best practices to give citizens and consumers control over how financial regulators and private financial companies (including third-parties that share information with financial regulators and private financial companies) use consumer data?

Consumers should have opportunities to exert reasonable control with regard to the collection, use, and sharing of personal data. No one specific mechanism for consumer control is suitable in all instances, and organizations should be permitted flexibility in how these controls may reasonably be exercised in light of the sensitivity of the personal data, as well as the risks and context of the specific data processing.

TSYS is committed to providing consumers and merchants with a safe, reliable, and modern payments system. Indeed, consumers continue to choose electronic payments over cash and checks because of the protections afforded by electronic payments. TSYS is constantly developing and deploying new technology and tools to detect, deter, and eliminate fraud. TSYS respectfully submits that any proposed federal consumer privacy framework should contain an explicit exemption for the permissible use of data for fraud prevention and detection.

Sincerely yours,

Deron Hicks  
Vice-President, Government Affairs

DH/lgh