



October 23, 2019

The Honorable Mike Crapo  
Chairman  
The U.S. Senate Banking, Housing, and  
Urban Affairs Committee  
U.S. Senate  
Washington, DC 20510

The Honorable Sherrod Brown  
Ranking Member  
The U.S. Senate Banking, Housing, and  
Urban Affairs Committee  
U.S. Senate  
Washington, DC 20510

Dear Chairman Crapo and Ranking Member Brown:

On behalf of ACA International, I am writing in regard to your hearing entitled, “Data Ownership: Exploring Implications for Data Privacy Rights and Data Valuation.” ACA International is the leading trade association for credit and collection professionals representing approximately 3,000 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates in an industry that employs more than 230,000 employees worldwide.

Without an effective collection process, the economic viability of businesses and, by extension, the American economy in general, is threatened. Recovering rightfully-owed consumer debt enables organizations to survive, helps prevent job losses, keeps credit, goods, and services available, and reduces the need for tax increases to cover governmental budget shortfalls. Furthermore, without the information that ACA members provide to consumers, they cannot make informed decisions that help preserve their ability to access credit, medical care, and a host of other goods and services. ACA members play a key role in helping consumers fulfill

Almost half (44 percent) of ACA member organizations (831 companies) have fewer than nine employees. Furthermore, 85% of members (1,624 companies) have 49 or fewer employees and 93% of members (1,784 companies) have 99 or fewer employees. Overall, 87 percent of ACA members are small businesses. As such, we appreciate that the Senate Banking Committee is considering implications for data privacy.

We strongly support the goal of protecting the privacy of consumers and their data, and are committed to vigorous compliance in furtherance of this pursuit. However, there are many lawful and important reasons why those in the accounts receivables management industry may collect and store consumer data in compliance with already existing privacy and consumer protection laws. As Congress moves forward, it is critical that it is diligent in ensuring legitimate businesses are not faced with insurmountable regulatory burdens surrounding data privacy laws, particularly if they stifle innovation or have a disproportional impact on small businesses.

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The current landscape for compliance in this area for the industry is robust including sweeping and complex state legislation such as the California Consumer Privacy Act of 2018 (CCPA), which also touches many businesses outside of California. Additionally, there are multiple federal laws ACA members are already complying with in this area including the Health Insurance Portability and Accountability Act of 1996, the Fair Credit Reporting Act, the Fair Debt Collection Practices Act (FDCPA), the Gramm Leach Bliley Act, and the Family Educational Rights and Privacy Act of 1974. Notably, the industry is already very restricted in what information and how information can be communicated to consumers under the FDCPA, and Congress should carefully consider these requirements in consultation with the Consumer Financial Protection Bureau as it crafts any new legislation in this area. Furthermore, the General Data Protection Regulation went into effect in the European Union in May 2018 and impacts certain ACA members in the United States, as well as international accounts receivable management agencies.

As Congress moves forward with any potential new laws for federal data privacy, we ask that it is cautious not to create any duplicative, conflicting, or overly complex standards for those in the accounts receivable management industry who already work carefully to protect consumer data. ACA and its members have also outlined their concerns specific to the CCPA in hearings and through comments at the state level. We ask that you consider that feedback and those concerns if the Committee looks to different state laws, as it considers a federal standard.

Lastly, we strongly urge Congress that any law going forward should preempt state requirements, so that all Americans receive the same level of privacy protections. Thank you for holding this important hearing. We look forward to continuing our engagement with the Senate Banking Committee and other Congressional committees exploring this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Neeb', with a stylized flourish at the end.

Mark Neeb  
Chief Executive Officer