

National Security and Personal Data Protection Act

China and countries that similarly threaten America's national security are taking steps to vacuum up our sensitive data

Today, countries like China can acquire and use personal data in ways that pose a grave threat to national security. As revealed last week, China could use “images of our servicemen and women” obtained from sites like TikTok to train its autonomous weapons.¹ U.S. officials currently are assessing TikTok for national security reasons.² China also could build or steal massive profiles on Americans. And China could use aggregate location data from phones to identify bridges or roads to target for sabotage.

Senator Hawley's bill cuts off the flow of sensitive data to China and countries that similarly threaten America's national security

1. Some American companies agree to give sensitive data to China in exchange for entering the Chinese market. As FBI Director Christopher Wray testified, Chinese law “compels U.S. companies that are operating in China ... to provide whatever information the government wants whenever it wants.”³ This law means that when American companies store encryption keys in China, China can read the messages those keys protect.

- Senator Hawley's bill prohibits American companies from transferring user data or encryption keys to China and other countries that similarly threaten America's national security.
- Senator Hawley's bill prohibits American companies from storing data in China and other countries that similarly threaten America's national security.

2. China can obtain data by inserting its own companies into the United States where those companies then collect data on unsuspecting Americans.

For Chinese companies, and companies from other countries that similarly threaten America's national security, Senator Hawley's bill:

- Prohibits transferring user data or encryption keys to those countries or storing that data in those countries.
- Prohibits collecting more data than necessary to provide a service here.
- Prohibits using collected data for secondary purposes.

3. China and other countries that similarly threaten America's national security, can purchase American companies that already have collected information on Americans.

- Senator Hawley's bill changes the default rule for mergers of certain companies to block those mergers unless companies obtain pre-approval from CFIUS.

¹ <https://www.c-span.org/video/?466062-1/senate-subcommittee-hearing-data-breaches&start=2408>

² <https://www.nytimes.com/2019/11/01/technology/tiktok-national-security-review.html>

³ <https://www.c-span.org/video/?466018-1/fbi-director-wray-dhs-undersecretary-testify-terrorism-threats&start=5855>