

Consumers didn't get the federal privacy law they wanted in 2021

Article

A year ago, we published [“10 Key Digital Trends for 2021: What Marketers Need to Know in the Year Ahead.”](#) Our trend reports are some of the most popular content we publish for our clients, and we make every effort to get things right. Often, we do. But sometimes, we don't. Here are a few we didn't get *entirely* right.

What we said:

- Consumers clearly want more privacy controls.
- California—which signed a consumer privacy act (CCPA) into law in 2018—just approved Proposition 24, the California Privacy Rights Act (CPRA), strengthening consumer data laws and establishing a regulatory agency.
- Many large advertisers are clamoring for federal action to avoid the prospect of 50 different state-level consumer data protection regimes.
- We knew it wouldn't be easy to pass a privacy bill, but by the end of 2021, we thought Congress and the Biden administration would pass a privacy bill that might have been weaker than privacy advocates want but strong enough to make federal preemption palatable for Democrats.

How we did: Our panel of 19 insiders rated this trend halfway between “neutral” and “wrong.”

What we got wrong: For starters? A federal privacy law did *not* pass.

- “It seemed that there was a decent chance that a law would pass, although we knew we were making a bold prediction given the remaining issues and the focus elsewhere on big-ticket legislation,” said **Yory Wurmser, eMarketer principal analyst at Insider Intelligence**.
- The idea of a federal privacy law has broad support among businesses and consumers, and the general outlines of these laws aren't too controversial. However, it's low on most consumers' list of priorities.

Three things prevented a law, according to Wurmser:

- General deadlock in Congress between Republicans and Democrats.
- Focus elsewhere as Democrats worked to pass big economic bills.
- Entrenched views on private right to action and preemption of state laws.

What to expect in 2022: Conditions won't change much from 2021 into 2022, Wurmser said. He suspects that we'll move closer to a bill, but it may have to wait for the next Congress—although a Republican takeover would significantly weaken any resulting bill.

- The Federal Trade Commission will become more active in defining privacy regulations, as it has already started to do.

Views on Current Laws and Practices to Protect Personal Data According to US Likely Voters, July 2021

% of respondents

Current laws and practices are out of date and require significant improvement to better protect our data and ensure responsible data collection

72%

Current laws and practices are strong enough to protect our data infrastructure and ensure responsible collection of data

16%

Don't know

12%

Source: Data for Progress as cited in company blog, July 26, 2021

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