

ACLU Comparison of Privacy Issues in Information Sharing Legislation in Senate

July 30, 2012

	S. 3414, the Cybersecurity Act (Lieberman-Collins-Feinstein)	S. 3342, SECURE IT (McCain)
Can private entities share internet and other cybersecurity related records with each other and the government?	Yes	Yes
Can private entities share those records directly with the NSA and other military under new cybersecurity program?	No	Yes
Can existing sharing relationships and programs run by defense and other sectors continue?	Yes	Yes
Do companies have to make a reasonable effort to protect personally identifiable information that is irrelevant to a cyber threat?	Yes	No
Can the government use collected cybersecurity information for cybersecurity purposes and prosecutions?	Yes	Yes
Can the government also use it for undefined national security purposes?	No	Yes
Can the government also use it for unrelated criminal prosecutions?	No	Yes
Can companies use shared information for undefined purposes besides cybersecurity?	No	Yes
Are independent audits by Inspector Generals and the PCLOB required?	Yes	No
Can companies receive liability protection for sharing information with each other and the government in good faith?	Yes	Yes
Can companies also receive liability protection for willfully or grossly negligently violating the law?	No	Yes