National Association of REALTORS®

# H.R. 8413: The SECURE Data Act – High-Level Summary

May 5, 2026

**1. Covered Entities & Applicability**

The bill applies to for-profit businesses subject to FTC jurisdiction that:

1. Do business in the U.S. or process personal data of U.S. residents; and
2. Meet one of the following thresholds:
    - Process 200,000 or more consumers' personal data annually and have $25 million or more in annual gross revenue, or
    - Process 100,000 or more consumers' personal data annually and derive 25 percent or more of revenue from selling personal data

Personal data processed solely to complete a payment transaction is excluded from these thresholds.

The bill also includes entity- and data-level exemptions for organizations and activities already regulated under other federal laws, including the Gramm-Leach-Bliley Act (GLBA), the Fair Credit Reporting Act (FCRA), and the Health Insurance Portability and Accountability Act (HIPAA).

**2. Core Obligations for Controllers**

Covered entities acting as controllers (i.e., entities that determine the purposes and means of processing personal data) would generally be required to:

- Disclose the sale of personal data, targeted advertising, fully automated decision-making, and reliance on profiling.
- Minimize data collection of personal data to what is adequate, relevant, and reasonably necessary in relation to each purpose for which the data is processed, as disclosed to the consumer.
- Limit secondary data use by prohibiting the processing of personal data for purposes that are not reasonably necessary or compatible with the disclosed purpose, unless the consumer provides consent.
- Maintain reasonable data security safeguards, with a rebuttable presumption of compliance when the controller follows an approved code of conduct or implements state-of-the-art practices aligned with a federal or widely accepted international risk-management framework.
- Provide consumers with data privacy rights, including:
    - Notice of, and access to, a copy of their personal data
    - Correction of inaccuracies
    - Deletion of personal data provided by or obtained about the consumer
    - A portable, digital copy of the data to the extent technically feasible
    - Opt-out rights for targeted advertising, the sale of personal data, and reliance on profiling
    - Opt-in consent requirements for processing sensitive data, including compliance with COPPA for children and parental consent for teens under age 16

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**3. Data Broker Registry**
Data brokers would be subject to additional requirements, including:

- Registration with the FTC, including payment of a reasonable fee
- Disclosure that the entity is a data broker, in a clear and non-deceptive manner, and information on how consumers may exercise opt-out rights
- Inclusion in an FTC-maintained data broker registry, which would provide links to privacy policies and opt-out mechanisms

**4. Enforcement**

- The FTC has primary enforcement authority.
- State attorneys general may bring enforcement actions in federal court if the FTC has not already initiated an action.
- The Act provides a 45-day right to cure before enforcement may proceed.
- The Act does not create a private right of action.
- Violations are treated as unfair or deceptive acts or practices under the FTC Act.

**5. State Preemption**
The Act preempts state comprehensive privacy laws in order to establish a single, uniform national data privacy and security standard.

**6. Key Definitions**

- Personal Data **-** Any information that is linked or reasonably linkable to an identified or identifiable natural person. The term does not include de-identified data or publicly available information such as property data.
- Controller **-** A person or entity that, alone or jointly with others, determines the purpose and means of processing personal data.
- Processor **-** A person or entity that processes personal data on behalf of a controller and in accordance with the controller's instructions, pursuant to a contractual relationship.
- Sale of Personal Data **-** The exchange of personal data for monetary consideration by a controller to another controller or governmental entity. The definition excludes, among other things, disclosures of personal data to another controller for the purpose of providing a product or service requested by the consumer.
- Data Broker **-** A controller that collects and processes personal data about consumers with whom it does not have a direct relationship and that derives 50 percent or more of its annual gross revenue from the sale of personal data.