

Attachment #20

Christina Fisher/TechNet, 3/26/19 letter



TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

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March 26, 2019

Representative Evan Shanley, Chairman
Online Data Privacy Commission
Rhode Island House of Representatives
82 Smith Street
Providence, RI 02903

Re: Rhode Island Online Data Transparency and Privacy Protection Commission

Dear Chairman Shanley:

TechNet is the national, bipartisan network technology of companies that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50 state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents more than three million employees in the fields of information technology, e-commerce, clean energy, gig and sharing economy, venture capital, and finance. TechNet is committed to advancing the public policies and private sector initiatives that make the U.S. the most innovative country in the world.

TechNet greatly appreciates being involved in the work of the Online Data Transparency and Privacy Protection Commission ("Commission") and respectfully offers feedback on the following pieces of legislation: (1) student privacy; (2) data broker; and (3) right to know. In regards to privacy laws, TechNet believes any legislation should provide strong safeguards to consumers while also allowing the industry to continue to innovate and should be based upon a uniform set of standards to avoid imposing a patchwork of policies across jurisdictions. Privacy laws need to allow for free follow of data to allow consumers to receive the services they expect.

Student Data Privacy

TechNet is supportive of Rhode Island adopting legislation to protect student data privacy so long as it conforms to the student data privacy model that has been adopted in over twenty states. TechNet has shared that legislation with the Commission and strongly encourages Rhode Island to adopt that model. The model language was the result of consultation by dozens of industry leaders in order to comply with the Student Privacy Pledge, which has hundreds of signers, many of which are members of TechNet.

Data Broker

So long as the definition of data broker remains unchanged, TechNet is neutral on the proposed data broker legislation.

Right to Know

TechNet and its members greatly appreciate the progress of this legislation since it was first filed in early 2018. In particular, we are very happy to see the removal of a private right of action. While the right to know legislation has undergone significant improvements, we still have concerns with the legislation.

First, some of the definitions included in HB 7111A V3 are overly broad and cover data that is not personal-- meaning it is not linked to a person and cannot easily be linked to a person. If data is not sensitive then requiring enhanced protections and tracking in order to provide additional transparency results in an enormous amount of administrative burden for very little, if any privacy outcome.

The categories of personal information included in the legislation are also overly broad. Many of the categories listed alone would not identify a person without additional information. For example, location information—you need more than just a location to identify a person. Even something as specific as the address for the Rhode Island State House would not identify each of the people in it. Same thing for birthdate— millions of people have the same birthday- without more you can't identify a person. Its problematic to notify consumers on these items alone and it may not even be possible for companies to comply unless the information is actually linked to a consumer.

Additionally, the definition "operator" is troubling and narrowly focuses the bill on internet sites and services, but does not provide Rhode Islanders who provide personal information to a business directly, by mail, or another offline mechanism the same transparency.

Finally, TechNet and its members are concerned that the legislation as drafted would prevent affiliate sharing. Currently, the third party definition would prevent interactions and sharing of information between companies all owned by same entity, but if they have different branding, they can't share data. Another unintended consequence of the legislation is that service providers using data on behalf of customer can no longer send that information to an additional third party if needed to fulfill consumer requests. The legislation should allow for these scenarios so long as the data is being used for the original purpose to which the consumer agreed.

Conclusion

We thank you in advance for your consideration of these remaining items and have enjoyed working with you on the Commission. Please do not hesitate to reach out with any questions.

Sincerely,

Christina Fisher/s/

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