

## **Attachment #35**

TechNet letter, 1/30/20



**TECHNET**  
THE VOICE OF THE  
INNOVATION ECONOMY

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January 30, 2020

Rep. Evan Shanley  
Rhode Island State Legislature  
82 Smith Street  
Providence, RI 02903

Re: Rhode Island Online Data Transparency and Privacy Protection Commission

Dear Chair 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 flow 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.

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### **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, while we are happy to see no express private right of action we do believe that some ambiguity remains and we should add clarifying language. TechNet recommends the following redline change:

In section 6-48.2.5 (existing bill language in black, new language in red):

#### **6-48.2.5. Violations.**

(a) A violation of this chapter constitutes a violation of the general regulatory provisions of commercial law in title 6; provided further, that in the event that any individual or entity intentionally discloses personally identifiable information:

(1) To a shell company or any entity that has been formed or established solely, or in part, for the purposes of circumventing the intent of this chapter; or

(2) In violation of any provision of this chapter, that individual or entity shall pay a one hundred dollar (\$100) fine for each such disclosure.

(b) The office of the attorney general shall have sole enforcement authority of the provisions of this chapter and may enforce a violation of this chapter pursuant to the:

(1) The provisions of this section; or

(2) General regulatory provisions of commercial law in title 6, or both.

Nothing in this section shall prevent a person from otherwise seeking relief under any other similarly applicable state laws. be construed to authorize any private right of action to enforce any provision of this chapter, any regulations hereunder, or any other provisions of commercial law in title 6.

Additionally, TechNet would recommend language allowing for severability as it pertains to waivers and contracts so that if one term or section is determined to be unenforceable, the remainder of the law should remain in effect. We recommend the following redline:

#### **6-48.2-6. Waivers; Contracts.**

Any waiver of the provisions of this chapter shall be void and unenforceable. Any agreement that does not comply with the applicable provisions of this chapter shall be void and unenforceable.

**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,



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