

March 5, 2020

Chair Dereck E. Davis
House Economic Matters Committee
Room 231
House Office Building
Annapolis, MD 21401

Vice Chair Kathleen M. Dumais
House Economic Matters Committee
Room 231
House Office Building
Annapolis, MD 21401

Dear Chair Davis and Vice Chair Dumais:

USTelecom – The Broadband Association and its members, America’s innovative broadband providers, are strongly committed to protecting consumer privacy. USTelecom memorialized this commitment in its *2018 Consumer Privacy Principles*, which state that “digital privacy is sacred and government has a role in ensuring that consumers can confidentially use the internet and maintain their privacy to the degree they are comfortable.”¹ HB1065 takes the wrong approach, however.

HB1065 is not necessary, because both the Federal Communications Commission (FCC) and the Telecommunications Act of 1996 already impose strong customer proprietary network information (CPNI) rules requiring carriers and providers to protect the most sensitive personal information about their customers. The FCC also requires carriers and providers to file annual reports to certify their compliance with the CPNI rules. Additionally, any contract with a public service company will govern the ways in which data is used or shared, consistent with the CPNI rules. The requirements of the bill would present unnecessary confusion as it would be difficult to distinguish the collection and use of data implicated as a state contractor from data public service companies otherwise collected from customers. This is one of the many reasons why targeting specific sectors rather than all businesses is misguided.

The bill also leaves unclear whether public service companies can attain consumer consent to collect and utilize their information for beneficial purposes such as enhancing cybersecurity protections and normal business operations. Today, categories of “personal information” potentially covered under the bill’s definition are routinely shared among different entities to enhance the security of networks and systems. HB1065, however, would restrict a public service company’s ability to collect customer information for such purposes.

Data does not recognize state borders, and a fragmented, state-by-state approach sets uneven rules and inconsistent protections for consumers that are difficult, and sometimes impossible, to implement. Adding to the current patchwork of state privacy laws would be counterproductive, as it would provide neither clear, consistent protections nor certainty for businesses. The best way to

¹ See *USTelecom 2018 Consumer Privacy Principles*, Nov, 27, 2018, available at <https://www.ustelecom.org/ustelecom-consumer-privacy-principles/>.

Chair Davis and Vice Chair Dumais
March 5, 2020
Page 2

address consumer privacy concerns is through a uniform, technology neutral, national privacy law based on widely accepted core principles including transparency and respect for consumer choice.²

USTelecom and its members welcome the vigorous conversation about improving the United States' approach to privacy, and USTelecom appreciates the strong desire by the legislature to protect Maryland citizens. However, to optimally and consistently protect consumers without disrupting the services they rely on, privacy regulations must be established at the federal, not state, level.

Sincerely,

/s/ Mike Saperstein

Mike Saperstein
Vice President, Strategic Initiatives & Partnerships
USTelecom

cc: Maryland House Economic Matters Committee Members

² See, e.g., Jonathan Spalter, *Privacy is a Human Right*, Dec. 4, 2019, available at <https://www.ustelecom.org/privacy-is-a-human-right/>.