



February 19, 2020

The Honorable Dolores Kelley, Chair
Senate Finance Committee
East Miller Senate Building, Room 3
Annapolis, MD 21401

RE: Opposition to Senate Bill 957

Dear Chairwoman Kelley:

Internet Association (IA)'s mission is to foster innovation, promote economic growth, and empower people through the free and open Internet. The Internet creates unprecedented benefits for society, and as the voice of the world's leading Internet companies, we ensure stakeholders understand these benefits. Nowhere is that understanding as critical to the functionality and vitality of our companies than in consumer trust - trust in the services our companies provide and trust in the handling of the data our users generate.

It is IA's belief that consumers have a right to meaningful transparency and full control over the data they provide with respect to the collection, use, and sharing of that data. Consumers should have the ability to access, correct, delete, and transfer their data from one service to another.

IA appreciates the opportunity to comment on the proposed legislation **SB 957** "the Maryland Online Consumer Protection Act" and to provide insight from efforts in other states as well as at the federal level regarding consumer privacy and the impacts it has on businesses in general, not just Internet-based businesses. IA respectfully requests that the bill be held for further examination of the impact privacy laws have on businesses and consumer experience in both Maryland and the country as a whole.

SB 957 appears to borrow from the California Consumer Privacy Act (CCPA), and IA has observed efforts to comply with the enacted legislation costing California businesses millions of dollars in site redesigns, compliance attorneys, lawsuits, and in some cases, monetary penalties. As CCPA has now been in effect for nearly two months, new efforts to augment and worsen the law are underway in that state. In other states, similar efforts to pass comprehensive privacy legislation have been met with varying degrees of success. A new data disclosure law was recently passed in Nevada. Several states, including Washington and Illinois have attempted to pass GDPR-like legislation that is inconsistent with California's law. In the Northeast, privacy



legislation is being considered as close by as New York and New Jersey. While lawmakers in other states recognize a need for consumer privacy, the challenges with enacting legislation at a state level are evident.

There has never been a clearer indication that a federal privacy law is necessary before more states are successful in passing legislation that would create a patchwork of laws that American businesses would be forced to navigate. IA recognizes today's hearing is meant to examine data privacy through the lens of state enforcement, but we respectfully request any legislation that would be advanced adhere to principles that could be adopted at a federal level. Maryland should be in no rush to follow in California's troubled footsteps.

All Americans deserve a modernized U.S. privacy framework that provides people meaningful control over the data they provide to companies online and offline. That includes the ability to access, correct, delete, and download their data. Privacy protections should be consistent, proportional, flexible, and should incentivize businesses to act as good stewards of the personal information provided to them by individuals.

Thank you for your consideration on this important issue and I welcome any questions you may have regarding IA's position on this bill and others before the Maryland Senate. I can be reached at olsen@internetassociation.org or 518-242-7828.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Olsen', with a long horizontal flourish extending to the right.

John Olsen

Director, SGA Northeast Region

CC: Senate Finance Committee Members