



**TO: Chair Jennifer Williamson  
Members of House Rules Committee**



**RE: Urge NO Vote on HB 2813**



On behalf of the broad technology industry and our retail partners and utilizers we are writing to urge your NO vote on HB 2813. Consumers benefit by keeping a single, uniform set of privacy obligations governing broadband data. We respectfully urge you not to adopt new state requirements that will only confuse consumers who should have the ability to rely on clear, uniform privacy protections across the Internet.



We acknowledge that with the recent actions at the federal level, you may have concerns regarding consumers' Internet privacy. First and foremost, our member companies take their consumers' privacy concerns very seriously, and we believe consumers expect consistent privacy protections to apply to their data, regardless of the type of company that holds it.



As this policy was being debated at the federal level, many of us supported the Federal Communications Commission's (FCC) stated goals of transparency, choice, and security for consumers and acknowledging that both the Federal Trade Commission (FTC) and the FCC recognize the importance of consumer notice of privacy practices and the collection of sensitive data for marketing and third-party sharing. Ultimately, consumers are best served by a consistent federal framework that applies to consumer data, and Congress determined that the divergence of the FCC rules from the FTC's privacy framework was bad for consumers.



We want to assure you that the Congressional action changed nothing for consumers. The FCC's reclassification of broadband as a common carrier offering meant that the FCC acquired privacy jurisdiction over ISPs. In order to ensure that consumers' data and privacy would be protected, the FCC issued an enforcement advisory outlining that the *Communications Act* (Section 222) continues to apply to ISPs, who should "employ effective privacy protections in line with their privacy policies and core tenets of basic privacy protections." This guidance, which continues to apply today, ensures continued oversight of ISP privacy practices under the *Communications Act* even in the absence of specific rules. The repeal of the FCC's broadband privacy rules leaves in place that same legal framework that has existed since the FCC adopted the *Open Internet Order* over two years ago and reclassified broadband Internet access service



There also are a wide range of federal and state privacy and data security laws that protect consumers' data. These include the *Children's Online Privacy Protection Act*, the *Electronic Communications Privacy Act*, the *CAN-SPAM Act*, data breach notification laws in virtually every state in the country, state privacy statutes, and common law legal doctrines protecting privacy and data security.



STATE PRIVACY AND SECURITY COALITION