

3 OPERATIONAL PROBLEMS WITH HB 2866

1. Definition of “Individual Resident” includes employees
 - Same mistake was made in CA
 - Means that an employee under investigation for, e.g., embezzlement or sexual harassment could request all materials a company had on him.

2. Overbroad definition of “Personal Information”
 - Includes information that is widely considered to be public (postal address, sex, appearance, telephone number, social media identity)
 - Includes information that is likely de-identified (“any item of data...that a resident individual generates in the course of using a digital electronic device”)
 - Including this type of data will force companies – particularly under the threat of class action lawsuits – to identify more data with an individual, which is anti-privacy.

3. Cybersecurity Risks
 - Requires companies to disclose to a hacker the security vendors to which a company gives IP addresses and other potential threat information.
 - Educates hackers about a company’s cybersecurity capabilities and helps plan cyberattacks.
 - Allowing 3P opt-outs on behalf of consumers creates additional security risks.