

April 9, 2015

The Honorable William Botzow
Chairman, House Committee on Commerce and Economic Development
Vermont State House
Montpelier, VT 05633

Re: Concerns with S. 73 Data Breach Provisions

Dear Chairman Botzow:

On behalf of TechAmerica¹, I am writing to share our perspective on provisions of S. 73 (Draft No. 2.1, dated March 27). Specifically, we are concerned with the proposed language under Section 7 of the bill, which amends the Security Breach Notice Act by requiring electronic notices sent to consumers in the event of a breach to include in the notice a mechanism for the consumer to acknowledge receipt of the notice. We believe that this requirement is burdensome and unnecessary, and respectfully request that the Committee not move forward with Section 7 as drafted.

In its current form, the bill unfairly targets electronic notices most commonly utilized by the information and communications technology industry we represent. Under the bill, written and telephonic notices do not require a similar acknowledgement of receipt. If the intent of this language is to ensure that Vermont consumers receive notifications pursuant to the Security Breach Notice Act, imposing an additional requirement for businesses that provide electronic notices is ineffective and unnecessary as electronic notices are more likely to be viewed by a consumer. Email addresses are typically unchanged by a consumer whereas a mailing address and telephone number is changed when they move.

No other state with a breach notice law requires a mechanism for consumers to acknowledge a breach notice. If enacted, companies would be required to create a state-specific electronic notice that will further add to the costs of doing business in Vermont. This requirement is especially burdensome

¹ TechAmerica is the public sector and public policy department of the Computing Technology Industry Association (CompTIA). We represent over 2200 information technology companies of all sizes, and are committed to expanding market opportunities and driving the competitiveness of the U.S. technology industry around the world. For more information, please visit <http://www.techamerica.org>.

TechAmerica

Concerns with S. 73 Data Breach Provisions

April 9, 2015

Page | 2

for smaller businesses that already face the daunting challenge of compliance with multiple, differing data breach laws.

Thank you for your thoughtful consideration of our concerns. For these reasons, we respectfully urge against further consideration of Section 7 of the bill in its current form. If you have any questions, please feel free to contact me at kevin.callahan@techamerica.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Callahan". The signature is fluid and cursive, written in a professional style.

Kevin Callahan
Director, State Government Affairs
TechAmerica

cc: Members of the House Committee on Commerce and Economic
Development