



TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

TechNet Northeast | Telephone 508.397.4358
One Beacon Street, Suite 16300, Boston, MA 02108
www.technet.org | @TechNetNE

April 4, 2019

Rep. Michael Marcotte, Chair
House Commerce and Economic Development Committee
Vermont State Capitol
115 State Street
Montpelier, VT 05633

Re: SB 110- Consumer Privacy

Dear Chair Marcotte and Members of the Commerce and Economic Development Committee:

TechNet is the national, bipartisan network of over 84 technology companies that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50 state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents more than three million employees in the fields of information technology, e-commerce, clean energy, gig and sharing economy, venture capital, and finance. TechNet is committed to advancing the public policies and private sector initiatives that make the U.S. the most innovative country in the world.

TechNet respectfully submits these comments in to SB 110 pertaining to consumer privacy. TechNet supports the overall approach to this bill, but write today to stress the importance of the general audience provisions, to request language regarding marketing to parents to be reintroduced into the bill, and suggested improvements to the data breach language.

General Audience

The general audience exemption is important because it provides helpful clarity for websites that are not intended to fall within the scope of the SB 110. The ambiguity stems from the definitions of "operator" and "preK-12 school purposes." The definition of "operator" relies on the definition of "preK-12 school purposes," and when both are read together there is some confusion over coverage for websites which may not necessarily be designed to be used exclusively for school purposes, but which are nonetheless used by students in the course of learning. Many companies or websites may have educational products along side other products that aren't specifically geared to education. This provision will help to separate the applicability of the law to just the educational products. Compliance responsibilities under this law need to be clear to those to whom it applies and this provision helps by defining those boundaries.

Marketing to Parents

TechNet respectfully requests language relating to be marketing to parents to be reintroduced into SB 110. By removing this provision, the legislation leaves open the question of whether marketing would be allowed at all. Websites should be allowed to market their capabilities and services if they do not use covered information, which is rightly restricted. If marketing is not allowed, websites would have no way of identifying themselves to potential consumers. It is important to note that this section is intended towards adults and not minors. Parents want and need to know about learning options for their children.

Online Account Information

TechNet supports cyber security best practices which allow the breached entities to notify consumers quickly for suspicious activity or breaches involving online account credentials. This practice lets consumers know about hacking activity and avoids the lengthy individual notification process. This approach allows consumers to be given clear, concise notice to protect themselves by changing their password on that site or application and all other places where they use the same username and password combination.

Health Information Factor in PII definition

Health information factor in definition for personally identifiable information (PII) needs to be tailored to specific to information that is diagnosed by a health care professional in order to avoid potential unintended consequences of including data that is not sensitive. Providing this clarification will put Vermont in line with the majority of states that have health information as a data element in their PII definitions.

Conclusion

We thank you in advance for your consideration. Please do not hesitate to reach out with any questions.

Sincerely,

/s/

Christina Fisher
Executive Director, Northeast
TechNet
cfisher@technet.org
508-397-4358