

From: Muyak 2020 <muyak2020@gmail.com>
Sent: Thursday, April 6, 2023 7:43 AM
To: Andrew Hegarty <AHegarty@leg.state.vt.us>
Subject: Re: [External] Re: Invitation to Testify - House Commerce H.121 4-6-23

Andrew,

Here are my observations on House Bill H.121

Definitions section 2430(A) Data Broker:

As written this is limited to a business that “sells or licenses” personal information. I think this should be broadened to “provides, shares or distributes” or something similar.

If a company is providing data in exchange for “something of value” other than money, that should be covered as well. For example, if a company provides data in exchange for a reduced price on a product or service or in exchange for a product or service, no money changes hands and there is no license involved but still the personal data is being distributed.

Rights of Consumers section 2432(e):

Consumer right to opt out of processing of personal information should not be limited to the three activities listed. The consumer should be able to opt out of the processing of their information for any purpose.

Data Brokers; Additional Duties section 2448:

Individual opt-out:

The consumer should be able to “require” the data broker, not “request” that the data broker do the things listed in this section.

Further, this opt out should not be limited to “selling” the consumer data. The requirement should be broadened to something like “stop sharing or providing the consumer’s data”.

Enforcement:

I see that enforcement throughout this Bill is limited to the Attorney General and Sates Attorney office. Does that mean that a consumer is precluded from suing a company that violates the proposed consumer rights enumerated in H. 121?