

Dear Members of the House Committee on Commerce and Economic Development,

EPIC and Consumer Reports write to express our opposition to S.71 v4.2. Our organizations have testified before this Committee numerous times over the last two sessions and expressed the many ways the Connecticut Data Privacy Act (and the state laws following that model) fail to provide consumers with adequate privacy protections. S.71 v.4.2 would follow that model, baking Big Tech's harmful business models into law.

Earlier this spring, we came to the negotiating group organized by Committee leadership in good faith, ready to negotiate and compromise. We were hopeful that we could work together with all parties to create draft legislation that provided meaningful privacy protections for Vermonters while minimizing compliance costs for Vermont businesses. It quickly became clear that the Vermont Chamber and industry representatives were not interested in compromising on anything at all, and unfortunately we are now at the point where the draft legislation reflects essentially all of their key priorities and none of ours.

The rules in sec. 2415e regarding data collection and use allow companies to collect and use personal data for whatever purposes they please so long as they disclose those purposes in a privacy policy that no one ever reads. This merely restates existing Vermont law, which already prohibits companies from deceiving their customers. Version 4.2 also abandons the ban on sale of sensitive data despite very little debate on this particular point in committee. Passing a Big Tech-approved law like this is actually worse than passing nothing at all, as it will give Vermonters the illusion of privacy while conferring little meaningful privacy protection.

We thank this Committee for its many hours of work on data privacy over the last few years, and are disappointed to have to urge the Committee to reject S. 71 v.4.2 and to continue that work. We are still hopeful that the Committee can strike a balance and approve a bill that meaningfully protects Vermonters' privacy.

Best,
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