

Representative Priestley,

I just wanted to follow up to underscore the importance of any data privacy law having a substantive data minimization provision versus a procedural one. Substantive data minimization would limit data processing to what is necessary for the service requested or, in the least, according to a consumer's reasonable expectations of privacy. Procedural data minimizations are those that merely require a business to follow a few meaningless procedures like posting whatever purpose the company dreams up in dense and unread boilerplate text. Procedural data minimization is not just bad, it is worse than doing nothing because it provides the legal scaffolding for companies to justify all the data practices that motivated the need for a privacy law in the first place, such as sale of geolocation data or extensive surveillance of browsing habits across the web.

I'll be direct: procedural data minimization would be an insult to the citizens of Vermont. It would place all the burden and risk on consumers and allow companies to do whatever they want. Think of the worst possible use of data – selling geolocation to stalkers, letting companies view people nude in the bathroom because they were wearing the new augmented reality glasses. All of this would be completely legal and justified under procedural data minimization so long as they shoved that purpose in the dense boilerplate terms that no one will read or should be expected to read. It's a trap. And it would turn the web into even more of an "I agree" button hell if you condition the processing on consent. If you think cookie banners are annoying now, just wait until you pass a law that conditions a company's profits on the user clicking "I agree." It will make the Internet even more unusable in addition to sabotaging people's privacy. I urge you and the committee to keep substantive data minimization in the bill, or, if not, simply kill it entirely because procedural data minimization is worse than nothing at all because it justifies the worst practices of the modern digital age.

Thank you,
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