

Hello,

Thank you for the opportunity to provide feedback on Draft 4.2 of S.71 this morning. As requested by Representative Olson, I am sharing a preferred definition of "publicly available information" that is more prescriptive (narrower) than the definition in S.71 as passed by the Senate. I have also shared the Connecticut 2025 definition of PAI, which, in my opinion, is less protective than the option above.

Alternate Definition for "Publicly available information"

A) "Publicly available information" means information that:

(i) is made available:

(I) through federal, state, or local government records; or

(II) to the general public from widely distributed media; or

(III) a data broker has a reasonable basis to believe that the consumer has lawfully made available to the general public.

(B) "Publicly available information" does not include:

(i) biometric data collected by a business about a consumer without the consumer's knowledge;

(ii) any obscene visual depiction, as defined in 18 U.S.C. § 1460;

(iii) genetic data, unless otherwise made publicly available by the consumer to whom the information pertains;

(v) intimate images, authentic or computer-generated, known to be nonconsensual.

CONNECTICUT DEFINITION (UPDATED 2025)

(<https://www.cga.ct.gov/2025/ACT/PA/PDF/2025PA-00113-R00SB-01295-PA.PDF>)

(34) "Publicly available information"

(A) means information that

1. is lawfully made available from federal, state or municipal government records, or
2. a controller has a reasonable basis to believe
 - a. a consumer has lawfully made available to the general public, or
 - b. has been lawfully made available to the general public from widely distributed media, and

(B) does not include any biometric data that can be associated with a specific consumer and were collected without the consumer's consent.