



**May 11, 2023**

Assembly Science, Innovation and Technology  
Attn: Mikaela Chianese and Suzanne Miller  
State House Annex  
Trenton, NJ 08625

**RE: S.332 - An act concerning commercial Internet websites, consumers, and personally identifiable information and supplementing Title 56 of the Revised Statutes.**

Dear Chair Tully and Members of the Science, Innovation and Technology Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to thank the Legislature for their work thus far and offer a few comments on S. 332, an act concerning commercial Internet websites, consumers, and personally identifiable information and supplementing Title 56 of the Revised Statutes.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> CCIA supports the enactment of comprehensive federal privacy legislation in order to promote a trustworthy information ecosystem characterized by clear and consistent consumer privacy rights and responsibilities for organizations that collect data. A uniform federal approach to the protection of consumer privacy is necessary to ensure that businesses have regulatory certainty in meeting their compliance obligations and that consumers are able to understand and exercise their rights.

We appreciate, however, that in the absence of federal privacy protections, state lawmakers have a continued interest in enacting local legislation to guide businesses and protect consumers. In reviewing S. 332, we recognize and appreciate the efforts that the legislature has taken to put forth proposed legislation that aligns with data and privacy laws that have been implemented elsewhere throughout the country. This concerted effort to align with other states' privacy laws will help ensure that businesses can comply without having to face significant costs associated with the development of new systems.

We offer up only a few suggested amendments to S. 332 and appreciate the Committee's consideration of our proposed changes.

**1. Sufficient time should be provided to allow covered entities to understand and comply with newly established requirements.**

As currently drafted, S. 332 provides operators with one-hundred and eighty days following the date of enactment to fully understand the requirements set forth in the act and establish the necessary systems to achieve compliance. Recently enacted privacy laws in California, Colorado and Virginia included two-year

<sup>1</sup> For over 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.



delays in enforcement of those laws. CCIA recommends that any privacy legislation advanced in New Jersey provide operators with at least one year of lead time before enforcement can begin.

## 2. Amending select definitions to better align with other state privacy laws.

In reviewing S. 332, we have identified a few terms whose definitions could be amended in order to promote interoperability between New Jersey’s efforts and other established state privacy laws in place throughout the country.

The definition of “sale” largely mirrors definitions included in other states but CCIA suggests including one additional exception, which would align with S. 332’s definition of “disclosure” as well as bring this definition more in line with other states’ definitions. The proposed exception language we suggest adding is as follows:

“The disclosure of information that the consumer (i) intentionally made available to the general public via a channel of mass media and (ii) did not restrict to a specific audience;”.

In addition to the proposed amendment to the “sale” definition, we suggest that the Legislature consider re-naming the term “Service provider” to the term “Processor”, which is the terminology utilized by other states in their privacy laws, and would prevent confusion for consumers.

## 3. Providing for a cap or specific amount for any monetary penalty associated with violations under the act.

Currently, S. 332 does not provide for any specific monetary amount or cap on the penalties associated with violations under the act. CCIA suggests that the Legislature provide an express monetary amount or a cap on monetary penalties under the act in order to provide operators with a sense of penalties associated with the provisions outlined in the bill.

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We appreciate your consideration of these comments. CCIA stands ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Alexander Spyropoulos  
Regional State Policy Manager - Northeast  
Computer & Communications Industry Association