



May 2, 2023

Senate Committee on Commerce
Attn: Judy Sullivan, Committee Clerk
State House
82 Smith St
Providence, RI 02903

Re: S.B. 754 - An Act Relating To Commercial Law - Rhode Island Data Transparency and Privacy Protection Act.

Dear Chair Sosnowski, and Members of the Senate Committee on Commerce:

On behalf of the Computer & Communications Industry Association (CCIA), I write to support S.B. 754, An Act Relating To Commercial Law -- Rhode Island Data Transparency and Privacy Protection Act.

CCIA is a 50-year-old not-for-profit international tech trade association that advocates for policy and market conditions that benefit innovation, the tech sector, and consumers.¹ 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.B. 754, 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. Furthermore, the measures proposed in the legislation pertaining to enforcement protocols provide businesses with a clear roadmap to ensure they are able to meet the standards set out in the bill, without having to fear the potential of being bombarded with frivolous lawsuits.

¹ For 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>.



We offer up only a few suggested amendments to S.B 754 and appreciate the Committee’s consideration of our proposed changes.

1. Sufficient time is needed to allow covered entities to understand and comply with newly established requirements.

A successful privacy framework should ensure that businesses have an appropriate and reasonable opportunity to clarify the measures that need to be taken to fully comply with new requirements. Recently enacted privacy laws in California, Colorado and Virginia included two-year delays in the enforcement of those laws. CCIA recommends that any privacy legislation advanced in Rhode Island include a comparable lead time to allow covered entities to come into compliance. Therefore, we recommend that the proposed effective date of January 1, 2024 be pushed back to January 1, 2025.

2. The creation of a cure period would be beneficial to businesses operating in good faith.

CCIA recommends that the legislation include a cure period of at least 30 days for all new regulations created under the legislation. This would allow for actors operating in good faith to correct an unknowing or technical violation, reserving formal lawsuits and violation penalties for the bad actors that the bill intends to address. This would also enable the government to effectively use its resources to enforce the law’s provisions for those that persist in violations despite being made aware of such alleged violations. Such notice allows consumers to receive injunctive relief, but without the time and expense of bringing a formal suit. Businesses would also be better equipped with the time and resources to address potential privacy changes rather than shifting focus to defending against litigation.

3. Businesses should be given adequate time to respond to consumer requests.

We suggest that the timeline operators have to respond and comply with consumer requests under Section 6-48.1-5 be extended. The current language only provides operators with a maximum of ten days to comply with a consumer’s request to stop the processing of their data, but this timeline provides little flexibility for operators to verify the authenticity of a consumer’s request and subsequently take steps towards satisfying such request. We propose either extending the timeline by seven days or providing a mechanism for operators to extend their compliance timeline so long as they provide the consumer with notice of the extension.

* * * * *



We appreciate the Committee's consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Alex Spyropoulos

Regional Policy Manager, Northeast

Computer and Communications Industry Association