



February 27, 2024

House Economic Development and Workforce Services Standing Committee
Room 350, Capitol Building
350 North State Street
Salt Lake City, UT 84114

RE: HB 550, “Consumer Privacy Modifications” (Oppose)

Dear Chair Stenquist and Members of the House Economic Development and Workforce Services Standing Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose HB 550, “Consumer Privacy Modifications”.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the interstate provision of digital services therefore can have a significant impact on CCIA members.

CCIA holds a firm conviction that children are entitled to a higher level of security and privacy in their online experiences. Presently, our members are actively engaged in various initiatives to integrate robust protective design features into their websites and platforms.² CCIA’s members have been leading the effort to implement settings and parental tools to individually tailor younger users’ online use to the content and services that are suited to their unique lived experience and developmental needs. For example, various services allow parents to set time limits, provide enhanced privacy protections by default for known child users, and other tools to allow parents to block specific sites entirely.³

We appreciate the opportunity to share some of our concerns with the proposed provisions under HB 550.

While HB 550 appears to address privacy concerns for young people, the bill simultaneously could introduce other risks to their privacy.

HB 550 would require a social media company to provide “a readily-apparent process for a minor, the parent of a minor, or the legal guardian of a minor to delete posts”. To comply, a company would need to know the age of every user in order to be able to track and manage posts made by a minor in event of a deletion request. Creating an implicit requirement for platforms to collect sensitive, personally identifiable information to authenticate identity, age,

¹ For more than 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>.

² Jordan Rodell, *Why Implementing Education is a Logical Starting Point for Children’s Safety Online*, Disruptive Competition Project (Feb. 7, 2023), <https://www.project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-onlin>
[e/](https://www.project-disco.org/privacy/020723-why-implementing-education-is-a-logical-starting-point-for-childrens-safety-onlin).

³ Competitive Enterprise Institute, *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/>.



and parental/legal guardian relationship is itself likely to conflict with data minimization principles inherent in typical federal and international privacy and data protection compliance practices.

For example, serious concerns arise when verifying whether a “parent or legal guardian” is, in fact, a minor’s legal parent or guardian. Many parents and legal guardians do not share the same last name as their children due to remarriage, adoption, or other cultural or family-oriented decisions. If there is no authentication that a “parent or guardian” is actually a minor’s legal parent or guardian, this may incentivize minors to ask other adults who are not their legal parent or guardian to authenticate their age. Further, scenarios where a legal parent or guardian is not located in Utah or is not a resident of the state creates significant confusion for consumers and businesses.

There is a very delicate balance between allowing users to request content takedowns and preserving users’ account security. One is usually sacrificed at the expense of the other.

HB 550 would create a third-party right to delete a user’s content which could open the door for bad actors to exploit digital services. Similarly, for example, existing features like account memorialization, designed to enable friends and family to request the preservation of an account for deceased loved ones, often face significant challenges due to an influx of scammers and malicious actors attempting to antagonize or extort others. Additionally, in some locations, these features are routinely abused to silence, harm, or intimidate political opponents. Legislation should contemplate these risks and provide for a high degree of fidelity and security.

There are also significant questions surrounding how a digital service would be expected to handle conflicting requests. The bill does not make it clear what the outcome should be if a parent requests that content be removed, but a minor wants the material to remain. Similarly, the bill does not address how posts re-uploaded by another user should be handled.

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We appreciate your consideration of these comments and stand ready to provide additional information as the legislature considers proposals related to technology policy.

Sincerely,

Khara Boender
State Policy Director
Computer & Communications Industry Association