



April 8, 2024

Assembly Committee on Privacy and Consumer Protection
Room 162, Legislative Office Building
1020 N Street
Sacramento, CA 95814

RE: AB 3124, “Internet websites: personal information” (Oppose)

Dear Chair Bauer-Kahan and Members of the Assembly Committee on Privacy and Consumer Protection:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose AB 3214. 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 supports the enactment of comprehensive federal privacy legislation to promote a trustworthy information ecosystem characterized by clear and consistent consumer privacy rights and responsibilities for organizations that collect and process data. A uniform federal approach to the protection of consumer privacy throughout the economy is necessary to ensure that businesses have regulatory certainty in meeting their compliance obligations and that consumers are able to exercise their rights. CCIA appreciates, however, that in the absence of baseline federal privacy protections, state lawmakers are attempting to fill in the gaps. To inform these efforts, CCIA produced a set of principles to promote fair and accountable data practices.²

As you know, California was the first U.S. state to establish a comprehensive consumer data privacy framework. CCIA understands that California lawmakers have an ongoing interest in ensuring that these protective measures continue to be adequate amid emerging technological advances. To that end, CCIA appreciates the ongoing opportunities to participate in the California Privacy Protection Agency’s rulemaking process in addition to providing input on legislative proposals under consideration in the California Legislature.

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 Computer & Communications Industry Association, *Considerations for State Consumer Privacy Legislation: Principles to Promote Fair and Accountable Data Practices* (January, 2022), <https://www.ccianet.org/wp-content/uploads/2022/02/CCIA-State-Privacy-Principles.pdf>

AB 3124, while well-intentioned, would impose unrealistic requirements regarding personal information on internet websites. We appreciate your consideration of several examples regarding how this would fundamentally alter the current online experience.

AB 3124’s definition of “covered personal information” would encompass a wide range of commonly used information.

AB 3124 would prohibit a business from publicly displaying certain personal information including one’s personal address, telephone number, known relatives, and date of birth. Currently, many websites, including social media platforms that are designed to allow users to maintain existing personal connections and cultivate new ones, allow users to decide which personal information is publicly available. For example, users can choose to hide their birthdays and familial connections entirely or hide such information for those outside their existing social network. While it is conceivable that one may want to keep certain information private under certain circumstances, the outright prohibition of displaying this information under all circumstances could have far-reaching impacts.

CCIA also suggests providing clarity regarding whether it would be a violation under AB 3124 if another user posted personal information about another user or themselves, and who would be held liable in data breach scenarios.

Regarding birth dates:

Wikipedia and IMDB are common and readily available sources that display information about public figures and celebrities. Under the provisions of AB 3124, these websites would no longer be able to display the birth dates of well-known individuals. This similarly could apply to professional athletes’ profiles on sports-focused websites – long before the advent of the internet, baseball cards displayed a variety of personal information about athletes including their height, weight, birth date, along with relevant statistics. Suddenly banning this type of information from being available online would mark a large departure from how fans have typically been able to learn about and understand their idols.

At a personal level, for those users who choose to leave their birth date accessible to their networks on social media, these life milestones often serve as a means for users to reconnect and share messages of happiness, congratulations and support.

This prohibition would also impact age-based groups, including reunion pages, age-restricted athletic groups, or other niche user groups. Such niche groups could encompass, for example, a group that allows users of the same astrological sign to connect. Moderators of these groups may encourage users to share their birth date to further other group interests tied to the individual’s birth date, or for transparency.

Regarding phone numbers:

In a time where many individuals, households, and businesses are “cutting the cord” and choosing to no longer use traditional telephone “land lines”, the ban on displaying phone numbers on internet websites could negatively impact independent and small businesses. In these circumstances, many sole proprietors or other small operations may choose to use their personal telephone as a primary means of contact for their business.

And, as a result of business and travel restrictions during the pandemic, many employees have now transitioned to a full remote work posture. In those instances, employees who do not have an employer-provided mobile phone may use their personal mobile phone. If an internet website cannot display personal phone numbers, this could prevent those employees from being accessible for time-sensitive job-related questions and tasks.

Additionally, under the California Consumer Privacy Act (CCPA) § 1798.130, a covered business is required to provide “in a form that is reasonably accessible to consumers... two or more designated methods for submitting requests for information required to be disclosed pursuant to Sections 1798.110 and 1798.115, or requests for deletion or correction pursuant to Sections 1798.105 and 1798.106, respectively, including, at a minimum, a toll-free telephone number”. Given these requirements and the prohibitions under AB 3124, it could create additional challenges for a small business or employee that uses their personal phone for business purposes, to comply with both AB 3124 and the requirements under the CCPA.

It is also unclear how an internet website would be expected to know whether a phone number is a business or personal phone number. The aforementioned example about remote employees also blurs the line between what is considered a “business” vs. a “personal” phone number.

Regarding known relatives:

In many cases, being able to refer to the family and relatives that surround us allows for additional personal context and understanding. Similar to the previously shared examples, prohibiting an internet website from showing information regarding a person’s known relatives could have far-reaching impacts. For example, it is common for obituaries to list the loved ones – the spouse, children, grandchildren, and others – that the descendant is survived by. Under AB 3124, this would seemingly be prohibited.

Similarly, it is common that candidates for public office share personal information, including about their families, as a means to better connect with the electorate and give a more comprehensive view of their background. Under AB 3124, campaign websites would no longer be able to show information regarding whether they are married, have children, or make mention of a parent or other relative with relevant experience to the issues they are running on.



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CCIA and our members are committed to providing consumers with protections and rights concerning their personal data, however, AB 3124 would have far reaching practical implications that would unnecessarily restrict the sharing of and access to information. We urge lawmakers to resist advancing such an approach. 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

CC: Assemblymember Evan Low
Suite 6110, State Capitol
1021 O Street
Sacramento, CA 95814