



April 19, 2024

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

RE: AB 2461, “User Authentication” (Oppose)

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

The above four co-signed organizations write in respectful opposition to AB 2461, as amended. The bill would require a social media platform that authenticates the identity of a user to delete any personal information submitted by the user for that purpose within 30 days of the authentication. Such information may be useful for online services to store when there are disputes regarding authenticated accounts. For example, a user may come across a fraudulent account posing as themselves on an “authenticated” account and subsequently request more details from the service about what information or methods were used for that authentication. If the service maintains that data, it could help assist the fraudulently-depicted user in understanding potential leaks or security breaches regarding their personal information.

Responsible online services take seriously the role they play in ensuring that users’ personal information is properly safeguarded. Such businesses use an array of tools and security protocols to prevent and mitigate unauthorized access by nefarious actors through data breaches. As you know, the government itself is frequently the target of data hacks as it collects and stores large volumes of data concerning its residents. It is a shared responsibility across all industries and organizations to remain vigilant and protect against the ever-evolving and advancing tactics bad actors use to circumvent protective measures.

While seemingly well-intentioned, the bill would counterintuitively impose a data retention and purpose limitation for a social media platform that chooses to provide user authentication mechanisms to serve a business purpose. We appreciate the opportunity to expand upon several concerns regarding this proposed legislation.

AB 2461’s overly-narrow scope limits the bill’s ability to achieve stated goals.

Because the bill seeks to impose this deletion requirement on social media platforms, it is unclear how it would meaningfully and effectively promote user safety and privacy. Collecting consumer information for authentication purposes is a common practice across many industries, such as for online banking and financial services, healthcare portals, online gaming, and government websites, such as for tax filing purposes. It is therefore unclear why AB 2461 only targets social media platforms.

AB 2461’s requirements go beyond and would potentially conflict with California’s existing consumer data privacy protections.

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. Under this framework, Californians have strong protections and data privacy rights, including the right to request that a business delete any personal information about the consumer which the business has collected from the consumer. However, the law provides for exceptions to this right. For example, a business may not be required to comply with a consumer’s deletion request if it is reasonably necessary to maintain the information for certain purposes, such as completing the transaction for which the personal information was collected, to help ensure security and integrity to the extent the use of the consumer’s personal information is reasonably necessary and proportionate for those purposes, or to comply with a legal obligation, among other enumerated exceptions.

AB 2461, in contrast, does not allow for any exception to the deletion requirement and does not allow for a social media platform to use user information submitted for authentication that are still within the scope of a user’s reasonable expectation when they initially provided affirmative consent. It is also unclear whether collected information that is subsequently de-identified and aggregated would still need to be deleted, so long as the business had disclosed the business purposes for doing so and adhered to other California Consumer Privacy Act requirements.

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We appreciate your consideration of these comments and stand ready to provide additional information as lawmakers consider proposals concerning technology policy.

Respectfully submitted,

Khara Boender, Computer & Communications Industry Association (CCIA)

Ronak Daylami, California Chamber of Commerce (CalChamber)

Carl Szabo, NetChoice

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