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NetChoice



April 9, 2024

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Privacy and Consumer Protection Committee
1021 O Street, Suite 5210
Sacramento, CA 95814

RE: AB 1791 (Weber) – Content provenance – Concerns

Dear Assemblymember Bauer-Kahan,

TechNet and the following organizations respectfully submit this letter of concerns with AB 1791, which prohibits a social media company from removing digital content provenance verification from content uploaded to the social media platform by a user.

We agree with the intent to create greater trust in user generated content online by fostering the adoption of content provenance verifications and watermarks. Many of our companies and platforms are at the forefront of developing this technology, which is still in its early stages.

Our members have some concerns with the definition of “digital content provenance” and have a suggested amendment to provide some clarity. We believe the current definition should be adjusted to apply more accurately to content credentials, watermarks, and other content provenance methods. The current definition seems to be limited to content credentials because it references a chronology. Watermarking for example doesn’t preserve a chronology, it embeds information directly into the content itself. We think broadening the definition will provide greater incentive to companies to use the most appropriate technology for their particular use case.

“Digital content provenance” means information embedded into the outputs or their metadata created by artificial intelligence for the purposes of verifying its authenticity or origination.”

We would also suggest adding “intentionally” or “knowingly” to section 21761. There may be some situations where despite a provider’s normal practices a bug or glitch could result in a loss of provenance information. Providers should design their systems so that they don’t strip this information and try to preserve it, but it should not be a strict liability offense if it happens.

Finally, we want to highlight that the bill could be interpreted to prevent social media platforms from taking privacy protective actions like removing location and personal information metadata from content, which are types of watermarks. We

believe this type of action should be encouraged and could be resolved with an amendment to the effect of "except where necessary to protect the safety or privacy of the user."

Thank you for your consideration. If you have any questions regarding TechNet's position, please contact Dylan Hoffman, Executive Director, at dhoffman@technet.org or 505-402-5738.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dylan Hoffman', written in a cursive style.

Dylan Hoffman
Executive Director for California and the Southwest
TechNet

Ronak Daylami, California Chamber of Commerce
Naomi Padron, Computer & Communications Industry Association
Carl Szabo, NetChoice

CC: Dr. Akilah Weber, Author