

January 28, 2025

Senate Committee on General Laws and Technology
Attn: Committee Clerks Eric Bingham and Andrew Horton
201 N 9th Street
Richmond, VA 23219

RE: SB 1023 - "Precise Geolocation Data" (Oppose)

Dear Chair Ebbin and Members of the Senate Committee on General Laws and Technology:

On behalf of the Computer & Communications Industry Association (CCIA), I write to raise several concerns regarding SB 1023. CCIA is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For over 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA supports comprehensive privacy legislation promoting clear, consistent consumer privacy rights and responsibilities for data processors. CCIA applauds Virginia lawmakers for combining strong privacy protections with fair compliance requirements for businesses in the Virginia Consumer Data Protection Act (VCDPA). However, SB 1023 risks undermining anti-fraud and law enforcement efforts in Virginia without granting consumers any additional meaningful protections.

1. SB 1023 undermines Virginia anti-fraud and law enforcement efforts

Banning data controllers from selling precise geolocation data can deprive businesses of effective anti-fraud tools. Residential proxy services, which can make fraudulent activity appear as though it originates from a legitimate residential address, are becoming increasingly prevalent. These methods circumvent traditional anti-fraud methods based solely on IP addresses, such as VPN detection. Many modern fraud detection methods rely on checking for mismatches between a device's precise geolocation and its IP address. Businesses that cannot purchase such data will therefore be deprived of the most contemporary anti-fraud measures, and law enforcement efforts to combat such fraud would also suffer as a result.

2. SB 1023 does not meaningfully add to Virginia consumers' privacy rights

VCDPA already prohibits data controllers from processing "sensitive data concerning a consumer without obtaining the consumer's consent."¹ VCDPA also explicitly includes "precise geolocation data" in the definition of "sensitive data,"² thus requiring data controllers to obtain consumer consent before processing precise geolocation data. Since data is considered to be "processed" when it is disclosed³ and sales of data involve disclosure of the data, precise geolocation data sales already require consumer consent. Furthermore, VCDPA already gives consumers the right to opt out of the sale of any personal data.⁴ It is unclear how consumers

¹ Va. Code Ann. § 59.1-578.5 (2023).

² *Id.* § 59.1-575.

³ *Id.*

⁴ *Id.* § 59.1-577.5(ii).

would benefit more from a blanket prohibition on precise geolocation data sales than from the choice to allow such sales or not. The bill is therefore unnecessary, and risks lowering consumers' safety while failing to secure them any meaningful additional privacy rights. CCIA therefore writes in opposition to SB 1023.

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

Sincerely,

Jesse Lieberfeld
Policy Counsel– Privacy, Security, and Emerging Technologies
Computer & Communications Industry Association