



October 15, 2026

Pennsylvania Senate Majority Leader Joe Pittman
501 North Third Street, Room 350
Harrisburg, PA 17120-3041

Re: HB 78- “An Act providing for consumer data privacy, for duties of controllers and for duties of processors; and imposing penalties.” (Oppose)

Dear Senate Majority Leader Pittman:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose the proposed amendment to HB 78 replacing all references to “children” (users under 13) with references to “minors” (users under 18). CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the intrastate provision of digital services, therefore, can have a significant, nationwide impact on CCIA members.

CCIA firmly believes that children are entitled to security and privacy online. Our members have designed and developed parental tools to individually tailor younger users’ online use to their 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 allow parents to block specific sites entirely.² However, replacing all instances of “child” with “minor” is legally and administratively unworkable, and does not meaningfully improve privacy. Changing the age definition creates far reaching obligations related to controller duties, consumer rights, and consent. Specifically, the amendment raises the following concerns:

The proposed amendment risks creating inconsistencies with COPPA, making federal preemption possible.

The Children’s Online Privacy Protection Act of 1998 (COPPA) provides a federal framework for processing children’s personal data. While COPPA does not invalidate all state laws in the same issue space, it does preempt state laws that are inconsistent with it. While applying COPPA protections to users under 13 and a separate set of protections for users aged 13-17 is consistent with COPPA, citing COPPA in reference to a population it does not cover is not. Sections 5(a)(4) and 11(c) of HB 78 tell controllers to process a known child's data “in accordance with” COPPA, yet COPPA has no rules for processing data from 13-17-year-olds. Accordingly, this section of the bill risks being invalidated. To fix this problem, CCIA recommends defining protections for users aged 13-17 independently of COPPA, as in the existing version of HB 78.

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 Competitive Enterprise Inst., *Children Online Safety Tools*, <https://cei.org/children-online-safety-tools/> (last updated June 10, 2025).



The proposed amendment is administratively unworkable.

Since COPPA does not apply to users aged 13-17, it is unclear how many of its rules would apply to Pennsylvania businesses. In particular, it is unclear whether businesses processing data from users in this age range could use COPPA's safe harbor provisions,³ or whether Pennsylvania could approve self-regulatory mechanisms that the FTC has not evaluated. Additionally, many businesses choose what users they allow specifically to ensure that COPPA does not cover them, and structure their compliance regimes accordingly. Expanding COPPA to users through age 17 would require a large number of companies who lack the resources to substantially expand their compliance operations to prepare costly, detailed data protection impact assessments. As a result, online services will be incentivized to stop serving 13-17-year-olds altogether rather than working to provide a safer experience for them.

In accordance with established practices, users over 13 should be able to control their own privacy settings.

While intended to provide greater privacy protections for 13-17-year-olds, the proposed amendment undermines their autonomy. Due to the nuanced ways in which children under the age of 18 use the internet, it is imperative to appropriately tailor such treatments to respective age groups. For example, a 17-year-old conducting research for a school project can be expected to come across, learn from, and discern from a wider array of materials than a 7-year-old on the internet playing video games. Privacy laws therefore typically grant teen users more autonomy than children to control the sharing of their personal information. In its existing form, HB 78 correctly grants teens the ability to exercise their own privacy rights, including the rights to access and delete their own data and opt-out of targeted advertising, sales of personal data, and profiling. However, the proposed amendment would remove this control, placing 17-year-olds in the same developmental category as 7-year-olds. COPPA's age 13 line correctly distinguishes between these two groups, and should be reinstated.

The proposed amendment imposes greater administrative burdens without meaningfully improving privacy.

Rather than enhance privacy online for teens, the proposed amendment largely duplicates HB 78's existing privacy protections. Section 5(a)(7) already restricts targeted advertising and sale of personal information for users known to be under 16. If the legislature wishes to enact further protections for teens, it can do so without changing the definition of "child" or "minor."

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

Sincerely,

Kyle J. Sepe
State Policy Manager, Northeast Region
Computer & Communications Industry Association

³ § 6503.