



**Testimony of
GERARD KEEGAN
CTIA**

In Opposition to Assembly Bill 4902

February 14, 2019

**Before the
New Jersey Assembly Committee on Science, Innovation and Technology**

Chair Zwicker and members of the committee, on behalf of CTIA, the trade association for the wireless communications industry, I am here in opposition to Assembly Bill 4902, which would establish state regulations to address an inherently national and global issue: the protection of personal data. A law that sweeps too broadly, as A4902 does, will create security risks and presents serious compliance challenges for businesses. The bill also only applies to information collected on internet websites and online services, so it will create inconsistent protections for consumers and create consumer confusion.

Broad access requirements, such as those in A4902, are in tension with data security principles, as they may encourage companies to centralize—rather than segregate—consumer data in one location, pool consumer data about particular requesting consumers in one location, and/or maintain consumer data in personally identifiable form, all to be able to comply with requests. These practices inherently carry risks, such as making the data an easy and attractive target to identity thieves and cyber criminals. They can also be burdensome.

In addition, the definition of “personal identifying information” (PII) is overly broad to include information that consumers may not consider sensitive information. The definition sweeps in information “about the children of the customer” without regard to



the age of the children. This would be unmanageable and leaves open the possibility that a business would be required to, for example, provide a consumer with a list of the third parties with which it shared his or her adult child's PII, as well as what PII was shared.

The provision that prohibits companies from penalizing a customer who opts-out of disclosure of the customer's personally identifiable information, while well intentioned, is also likely to have unintended consequences. Online news sites, content providers, and apps are often provided to consumers free of charge because they are supported by advertising. These content providers should not be forced to continue to offer free services to consumers who opt-out of disclosing online identifiers to advertisers. Such a requirement may lead many content and app providers to go out of business.

CTIA strongly supports ongoing efforts within the federal government to develop a uniform national approach to consumer privacy.¹ Several federal agencies, including the Federal Trade Commission (FTC), the National Telecommunications and Information Administration (NTIA), and the National Institute of Standards and Technology (NIST) are involved in these efforts. More than 200 organizations and individuals filed comments with NTIA last November, and these comments expressed broad support for federal privacy legislation. The stakes involved in consumer privacy legislation are high. Taking the wrong approach could have serious consequences for consumers, innovation, and competition. Moving forward with A4902 would only complicate these efforts while imposing serious compliance challenges and burdens on businesses, and ultimately confusing consumers.

¹ See *generally* Comments of CTIA, Developing the Administration's Approach to Consumer Privacy, NTIA Docket No. 180821780-8780-01 (Nov. 9, 2018).



In closing, fragmented privacy approaches across states are difficult, and sometimes impossible, to effectively implement. Even the most well-intentioned companies will face steep hurdles attempting to comply with various, overlapping, and sometimes conflicting state laws. New Jersey should not enact complicated privacy legislation that creates security risks and raises the prospect of costly compliance for New Jersey businesses. For these reasons, we respectfully request that the committee not move this bill.