



**Testimony of
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CTIA
Opposition to New Hampshire House Bill 1376
Before the House Judiciary Committee**

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Chair Smith, Vice Chair Keans and members of the Committee, on behalf of CTIA, the trade association for the wireless communications industry, thank you for the opportunity to provide this testimony in opposition to HB 1376, which establishes a civil penalty for unauthorized disclosure of electronic location information by mobile telecommunications service providers. HB 1376 is unnecessary, would add to the further fragmentation of consumer privacy laws, and raises particular concerns because it is technology-and-sector-specific.

CTIA and its member companies strongly believe that consumer information should be protected and that consumers should be given choices with respect to when and how their information is used. Mobile providers currently obtain the affirmative opt-in consent of their wireless consumers before using or sharing subscribers' precise location information – with limited exceptions for emergency situations and appropriate legal process. This is consistent with the Federal Trade Commission's (FTC) Privacy Framework and with other federal laws and regulations, which generally require telecommunications carriers to obtain opt-in consent prior to sharing mobile call location information. The FTC regularly brings



enforcement actions against companies that have misrepresented consumer control regarding collection and use of geolocation data.¹

Consumer privacy protections should apply consistently across all industry sectors, and protections should be consistent for any given type of information. HB 1376 applies to a specific type of information – location information – that is collected by a mobile service provider. Because the requirements in HB 1376 only apply to mobile telecommunications service providers, the legislation favors certain business models and particular competitors over others. For instance, many online companies and app developers have access to location data on consumer handsets and use that data for a variety of purposes. This data may be significantly more accurate than wireless carrier data. And operating system platforms can collect large amounts of location data from WiFi access points and sell ads based on this data without consumers' knowledge or consent. WiFi networks provide greater location accuracy and various third parties have mapped these networks. Nevertheless, the proposed law would not apply to either of these situations in which precise location data is collected, used, and shared. HB 1376 is unfairly limited to the collection of one type of location data by one type of entity in the online ecosystem – something that consumers are unlikely to understand or expect. Furthermore, the private right of action included in the bill will unfairly expose mobile telecommunication service providers operating in New Hampshire to costly litigation.

¹ See, e.g., *In the Matter of InMobi Pte Ltd., a private limited company*. F.T.C. June 22, 2016. 3:16-cv-03474; *In the Matter of Nomi Technologies, Inc., a corporation*. F.T.C. September 3, 2015. 132-3251; *In the Matter of Goldenshores Technologies, LLC, a limited liability company, and Erik M. Geidl, individually and as the managing member of the limited liability company*. F.T.C. March 31, 2014. 132-3087.



Privacy issues are better addressed with a holistic approach that does not favor one business model over another, in order to lessen any unintended consequences and provide consistent consumer protections. For these reasons, CTIA respectfully requests that you report this bill Inexpedient to Legislate. Thank you for your consideration.