



Testimony of
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In Opposition to Hawaii House Bill 2572 HD2

Before the
Hawaii Senate Committee on Commerce, Consumer Protection, & Health and Committee on Technology

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Chairs, Vice-Chairs, and committee members, on behalf of CTIA®, the trade association for the wireless communications industry, I submit this testimony in opposition to House Bill 2572 HD2. This bill is overly broad and would have serious unintended consequences.

Section 4 dealing with internet browser information imposes unreasonable restrictions on internet service providers and other internet companies that would negatively affect services that consumers have come to expect. The opt-in provisions in the bill may jeopardize the availability of consumer data for cybersecurity and fraud prevention purposes. This language also threatens the quality of free or low-cost goods and services, which rely on the use of personal data that is subject to safeguards, such as pseudonymization. Online news and other content are often provided to consumers free of charge because they are supported by advertising in exchange for pseudonymous identifiers. Having consumers opt-in for use of this low risk information could negatively impact the provision of low cost or free products and services. Moreover, the opt-in provision could inhibit providing new and innovative services to Hawaii consumers.

The Federal Trade Commission's privacy framework considers precise geolocation information as sensitive information. CTIA supports the FTC framework but has concerns with the geolocation section of HB 2572 HD2. For example, there is no fraud exception, so fraudsters could use the bill's provisions to avoid



identifying fraudulent activity. Additionally, these provisions would require children’s opt-in consent before their parents or guardians can initiate a tracking service or application. The definition of “geolocation information” is also overly broad and will introduce a host of unintended consequences. For example, a consumer’s zip code would fall under the definition of geolocation information, which is not the type of information that CTIA thinks the legislature intends to identify as geolocation information.

In closing, sweeping state legislation like HB 2572 HD2 could hamper the provision of internet service in Hawaii, prevent providing new and innovative products and services, and lead to increase compliance costs – all to the detriment of consumers. CTIA would recommend that these issues be more comprehensively studied to ensure that unintended consequences are mitigated. Accordingly, CTIA respectfully requests that you not move this legislation. Thank you for your consideration.