



CTIA®, the trade association for the wireless communications industry, **opposes New Jersey A2340/S1832**

To best protect consumers, privacy protections should apply consistently and should not be technology- or sector-specific

- The bill is unfairly limited to the collection of one type of location data in the online ecosystem – something that consumers are unlikely to understand or expect
- The bill only applies to geolocation data used by mobile service providers, thus it favors certain business models and particular competitors over others
- Because the proposed law would not apply in all situations, other entities could collect large amounts of location data in other ways and sell ads based on this data

This legislation could increase consumer frustration and make it difficult for businesses operating in New Jersey to provide important services to consumers

- This legislation would add to consumer frustration and notice fatigue in which consumers stop paying attention – but businesses would still be faced with the burden of presenting and recording the consents called for by the bill
- Many businesses use location information to identify and combat fraud on behalf of customers, but this bill could impede this important consumer protection work
- The legislation casts doubt on the legitimacy of ordinary business operations, such as determining if bad actors are accessing consumers' accounts or transferring information for app functionality
- The bill creates operational challenges because it lacks an explicit exception for information shared with a carrier's service providers or vendors

Federal & state laws already exist providing consumer protections

- The Federal Trade Commission's (FTC) Privacy Framework considers precise geolocation information to be sensitive, meaning that its collection must be subject to opt-in consent
- The Federal Communications Commission (FCC) has jurisdiction over wireless telecommunications providers, and federal law and regulations generally require carriers to obtain opt-in consent before sharing mobile call location information
- The New Jersey Attorney General (AG) has the authority to address unfair or deceptive acts or practices relating to consumer privacy under state consumer protection laws

A private right of action would harm businesses with no benefit for consumers

- This bill allows for a private right of action, which will unfairly expose wireless providers in New Jersey to costly litigation that will benefit the plaintiff's bar while offering little relief to consumers
- Instead of allowing for a private right of action, New Jersey's AG should shape statewide policy with a holistic and experienced approach, which will best encourage compliance, support innovation, and prevent and remediate harm; consistent interpretation and application of the law by the AG will benefit both businesses and consumers

Activity on consumer privacy is taking place in Congress

- A uniform law that covers all types of personal data and the different companies that collect it is the best approach for U.S. consumers and momentum for this type of baseline legislation that would offer consistent protections for all U.S. consumers has been building
- There is bipartisan interest in consumer privacy in the current Congress; hearings have been held and many of the concepts in bills pending in the Senate and the House have widespread support
- The FTC has announced interest in rulemaking on privacy if sufficient momentum does not occur in Congress

The marketplace is addressing consumer privacy concerns

- Apple recently released a privacy feature that requires app that want to track a user's activity and share it with other apps or websites to ask for permission; apps that do not comply will be blocked from download
- Google plans to phase out third-party cookies from its Chrome browser and does not plan to build alternate identifiers to track individuals as the browse across the web, or use them in its products