

February 19, 2020

Chairman Mark Keller  
Democratic Chair Galloway  
Pennsylvania Committee on Commerce  
Nittany Lionn Inn Ballroom  
200 W. Park Ave  
State College, PA

**RE: House Bill 1010 – Data Breach Notification of Personal Information**

Dear Chairman Keller, Democratic Chair Galloway and Committee members:

On behalf of CompTIA and the technology companies we represent, I write to strongly oppose House Bill 1010. CompTIA is a non-profit trade association serving as the leading voice of the information technology industry – the driving force behind productivity growth and job creation, representing premier technology companies of all sizes. With approximately 200 member companies, 3,000 academic and training partners and more than two million IT certifications issued, CompTIA is dedicated to advancing industry growth through educational programs, market research, professional certifications and public policy advocacy.

Our members take their obligations to protect their customers' personal information very seriously. Data is of paramount importance to the information technology economy and protecting consumers' personal information is not only a responsibility of the industry, but also a crucial business practice. However, this bill would cause Pennsylvania to needlessly alter their existing statute to differ from nearly every other state in the country while providing no additional protections to consumers. We respectfully ask the Committee to reject HB 1010.

**Private Right of Action**

Chief among our concerns with this bill is that it will establish a private right of action for damages of up to \$5,000 per violation. This is in addition to enforcement by the Attorney General. The Attorney General should have exclusive authority to enforce the act. As the elected enforcement entity in the state by the people of Pennsylvania, the AG is fully capable of ensuring the constituency is protected and laws are enforced. Allowing for a private right of action would serve to only increase litigation without meaningful preservation of consumer protections and rights. In combination with the disposal rule and reimbursement provisions outlined below, private right of action serves to punish companies that act in good faith and are working to protect consumer information as a core business function, and such provisions would send the wrong message to businesses that seek to invest in Pennsylvania.