

# STATE PRIVACY & SECURITY COALITION

September 1, 2023

Chair John T. Galloway  
Chair Joe Emrick  
House Commerce Committee  
301 Irvis Office Building  
Harrisburg, PA 17120

Re: **HB 1201 (Comprehensive Privacy)**

Dear Chair Galloway, Chair Emrick, and Members of the Committee,

The State Privacy & Security Coalition, a coalition of over 30 companies and six trade associations in the telecom, technology, retail, payment card, and automobile sectors, writes with several suggested amendments to House Bill 1201. Broadly speaking, we believe that the approach in HB 1201 is a comprehensive, balanced approach to consumer privacy, but there are important amendments still to be made in order to align this bill with similar bills adopted in other states.

This bill is heavily based on the legislation that passed in Connecticut in the spring of 2022. This bill, like that bill, provides consumers with a set of strong rights that will provide them increased control over their personal data, as well as increased transparency in how that data is used. It also imposes serious obligations on businesses to collect only the information necessary to accomplish the disclosed purposes for processing, and requires obtaining consent in order to process sensitive data. It requires businesses to document the risks and benefits of processing certain types of data or for particular purposes, and to attempt to mitigate those risks.

We would like to see the following amendments and would be happy to continue working with the sponsor on these:

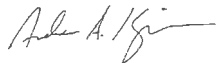
- Replacing the unnecessarily limited and unsustainable definition of “Personal Data” derived from the California Consumer Privacy Act (CCPA) with the definition that has been agreed upon by all other states adopting a comprehensive framework: data that is “linked or reasonably linkable to an identified or identifiable natural person.”
- Align the definition of the Children’s Online Privacy Protection Act with other state laws so that it recognizes the extensive rules, exemptions, and amendments that are part of this statutory regime.
- Aligning the definition of “publicly available information” with other comprehensive state privacy laws.
- Clarifying that the definition of “Precise Geolocation Data” does not include the contents of communications *or* information pertaining to net utility metering information by adding a comma after the word “communications.”
- Aligning the Access right with other state laws to avoid the unintentional consequence of limiting consumers’ right to know and access what information is being collected about them by controllers.

# STATE PRIVACY & SECURITY COALITION

- Aligning the Deletion right with other state laws to allow controllers which do not collect personal data directly from consumers to comply with the Deletion right.
- Fixing the typo in the section regarding the global opt-out provisions.
- Adding a reciprocity requirement in the global opt-out provision to permit a controller recognizing a signal in compliance with similar state laws in other jurisdictions is in compliance with this bill.
- Adding trade secret protections to ensure that proprietary information is not subject to needless litigation.
- Aligning the Privacy Notice requirements with other state laws to avoid the implication that disclosures of specific third parties are required in a privacy notice.
- Extending the effective date to provide companies – particularly Pennsylvania companies – time to come into compliance with this law.
- Eliminating the rulemaking provisions, which will add needless complexity and cost to the implementation of this legislation, and could create unnecessary divergences from compliance programs in other state laws.
- Clarifying that there is no basis for a private right of action in this law *or any other law*, as all other states have done.

We would welcome further discussions with the Chairs and other stakeholders to ensure that HB 1201 not only provides strong, consistent protections for Pennsylvania consumers but also ensures interoperability for businesses that operate both within and outside of Pennsylvania.

Respectfully submitted,



Andrew A. Kingman  
Counsel, State Privacy & Security Coalition