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March 26, 2024

The Honorable Donna Bullock
Chair, Committee on Children & Youth
Pennsylvania House of Representatives
321 Irvis Office Building
P.O. Box 202195
Harrisburg, PA 17120-2195

RE: HB 1879

Dear Chair Bullock and Members of the Committee:

On behalf of TechNet, I am writing to offer remarks on HB 1879 related to children's data privacy.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, and Washington, D.C.

TechNet strongly believes children deserve a heightened level of security and privacy, and there are several efforts within the industry to incorporate protective design features into their websites and platforms. Our companies have been at the forefront of raising standards for teen safety and privacy across the industry by creating new features, settings, parental tools, and protections that are age appropriate and tailored to the differing developmental needs of young people. Our member companies are committed to providing a safe, age-appropriate experience for young people online.

While we have member companies with different perspectives on this piece of legislation, I want to share some of the concerns of which we have been made aware. The requirement that companies consider the "best interests of children" is difficult to interpret and therefore operationalize. Different companies, Attorneys General enforcing the bill, and even parents in one household will have very different interpretations of what is and is not in the "best interests" of children. In

addition, the definition of "likely to be accessed by a child" lacks clarity regarding what constitutes a "significant" number of children under the definition, which could lead to misinterpretation and difficulty in operationalizing. This would mark a significant departure from the federal standard of "directed to children" under the *Children's Online Privacy Protection Act*.

Instead, TechNet respectfully suggests that you consider alternative language that would provide new, substantive protections for Pennsylvanians under 18 by requiring consent to process personal data for the purposes of targeted advertising, sale of personal data, and profiling in furtherance of fully automated decisions that produce legal effects. This alternative language would also require data controllers to conduct and update data protection assessments that weigh the benefits and risks of data processing for users under 18. Additionally, this alternative language would provide new data rights for individuals under 18, including the rights to correct inaccuracies in their personal data, delete their personal data, and obtain a portable copy of their personal data. TechNet stands ready and willing to work with you on these efforts.

Furthermore, alternate means of keeping young people safe online include promoting the education of safe internet practices. We support policies that help prepare young people to be a successful part of a global, interconnected, and technology-driven economy. Such policies include supporting digital learning resources and technology integration in student learning environments, fully funded K-12 education, and rigorous computer science standards. Digital citizenship education is a top priority for TechNet and its member companies. Several businesses participate in the Digital Trust & Safety Partnership (DTSP), which outlines best practices for those operating in the digital space. A number of states have passed legislation requiring the creation of instructional standards regarding digital literacy and internet safety for use at multiple grade levels.

Thank you for your consideration, and we look forward to continuing these discussions with you.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic