

August 28, 2018

Dear AB 375 Authors Chau, Dodd, and Hertzberg:

The consumer and privacy groups joining this letter thank the California State Legislature for its attention to consumer privacy, which is of primary importance in this era of mass data collection. California recently gained national attention when it passed the California Consumer Privacy Act (CCPA), which was designed to give consumers transparency and control over their own data.

The legislature is currently considering SB 1121, a bill to address technical errors that were inadvertently included in the CCPA. In recent days, proposed language for SB 1121 was circulated that would explicitly carve out the selling, sharing, or communication of data to other companies for the purposes of delivering, showing, measuring, or auditing online advertisements. While not taken up in SB 1121, these changes would drastically curtail consumer privacy and undermine the intent of the CCPA and should not be considered by the legislature.

This language would undermine a principal purpose of the CCPA, which is to “authorize a consumer to opt out of the sale of personal information by a business.” If this provision is added, companies would gain a new exception for auditing and measuring online ads that would allow hundreds of companies to amass huge data stores on consumers. These practices would be exempted from CCPA protections such as consumers’ right to know the information collected about them and their right to stop its sale and sharing with third parties. In addition, it would sanction the practices implicated in the Cambridge Analytica scandal, in which detailed information about consumers’ Facebook “likes,” their social networks, and online behavior was collected, shared, and ultimately sold, without the consumers’ consent and knowledge, to third parties. This data was used to create voter profiles and to better target online ads to influence citizens’ voter behavior.

Some have framed this as an effort to put limits on the sharing of consumer data and to restrict it to information that has been de-identified and aggregated. That is misleading. Versions of this provision have attempted to apply it only to information that has been de-identified and aggregated, but there is no such thing as anonymous data. Google and Facebook can connect consumers’ names to their activity online and across devices, and sell that information to advertisers.

This provision would weaken the CCPA and make it more difficult to address these practices in future legislation. Our coalition of privacy organizations strongly oppose stripping consumers of their protections, and you should, too.

We look forward to working with the legislature in the next session to protect the CCPA from industry efforts to erode it. The CCPA is a first step in ensuring privacy rights for Californians but it is by no means fully protective of its citizens. Any further changes to the law should be to strengthen, not weaken, the law.

Sincerely,

ACLU of California
Access Humboldt
CalPIRG
Campaign for a Commercial-Free Childhood
Center for Digital Democracy
Color of Change
Common Sense Kids Action
Consumer Action
Consumer Federation of America
Consumer Federation of California
Consumer Watchdog
Consumers Union
Digital Privacy Alliance
Electronic Frontier Foundation
Media Alliance
Oakland Privacy
Public Knowledge
Privacy Rights Clearinghouse
World Privacy Forum

Cc: Pro Tem Toni Atkins; Assembly Speaker Anthony Rendon