



April 17, 2019

The Honorable Edwin Chau  
California State Capitol, Room 5016  
Sacramento, CA 94249-0024

**Re: AB 25 – as amended 04-12-19  
OPPOSE UNLESS AMENDED**

Dear Assemblymember Chau:

We are ten organizations dedicated to protecting consumer privacy. We thank you for your continued leadership, work and willingness to continue engaging in conversations around language, yet still have serious concerns about the April 12 draft of this bill. Therefore, we must respectfully oppose it.

As written, this bill provides an exception from the definition of “consumer” — and thus from all California Consumer Privacy Act rules — for a person whose personal information is collected by a business “in the course of acting” as an employee or contractor, to the extent that such information is collected and used “solely within the context” of that role. We would like to see the bill clarify that such an exemption applies only when it is “necessary” to the employer-employee relationship.

We recognize there may be instances when employers may need to retain information about their employees that they do not need from their customers. Yet the language change we seek is necessary, because companies are applying more intrusive surveillance techniques on their own workers, including increased collection of movement data and even requiring employees to wear employee badges with microphones.<sup>1</sup>

Absent a safeguard of privacy for workers in the workplace, the bill opens the door to highly intrusive data collection by companies of their employees.

Clear guidelines benefit businesses. A report from the consulting firm Accenture found that while 62 percent of businesses are extensively using new technologies and sources of workforce data, only 30

<sup>1</sup> <https://www.cnbc.com/2019/04/15/employee-privacy-is-at-stake-as-surveillance-tech-monitors-workers.html>

percent of business leaders are “very confident that their organization is using the data in a highly responsible way.”<sup>2</sup>

Our suggested change would give these businesses a clear roadmap for what responsible data collection looks like, and we are eager to continue the conversation to improve this bill and protect employees and businesses.

Sincerely,

Sean McLaughlin, Executive Director, Access Humboldt

Kevin Baker, Legislative Director, ACLU of California

Katharina Kopp, Ph.D. Deputy Director, Director of Policy, Center for Digital Democracy

Ariel Fox Johnson, Senior Counsel for Policy and Privacy, Common Sense Kids Action

Susan Grant, Director of Consumer Protection and Privacy, Consumer Federation of America

Matthew Erickson, Executive Director, Digital Privacy Alliance

Lee Tien, Senior Staff Attorney and the Adams Chair for Internet Rights, Electronic Frontier Foundation

Tracy Rosenberg, Executive Director, Media Alliance

Lou Katz, Member, Oakland Privacy

Emory Roane, Policy Counsel, Privacy Rights Clearinghouse

Cc: Members and Committee Staff, Assembly Privacy and Consumer Protection Committee

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<sup>2</sup> <https://www.accenture.com/us-en/insights/future-workforce/workforce-data-organizational-dna>