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February 7, 2022

New Hampshire House Commerce and Consumer Affairs Committee
New Hampshire State Capitol
107 North Main Street
Concord, NH 03303

Dear Representative,

On behalf of the 10,266 members and supporters of the Council for Citizens Against Government Waste (CCAGW) in New Hampshire, I urge you to vote against [HB 1413](#), which would impose restrictions and penalties on violations stemming from data brokering of consumer information and targets a single industry.

While we understand the desire to protect data privacy, this bill will unfortunately fail to achieve that objective. Instead, it would create instability and uncertainty for companies doing business over the internet and their customers. The internet is not contained within a single state's boundaries and therefore participants operating within the internet ecosystem can only be regulated by the federal government under the Commerce Clause, Article I, Section 8 of the Constitution.

Because of inaction by Congress, several states have enacted or will be reviewing laws to protect personal information, including online privacy for children, websites, and monitoring employee e-mail communications. These laws would affect any business operating or selling to customers regardless of where the business or customer are located, impinging on interstate commerce. Without the adoption of a consistent national privacy protection framework that preempts state and local laws, more states will continue to enact their own separate rules, raising costs and complicating compliance for businesses and individuals.

Moreover, this legislation singles out broadband internet service providers as the sole target of regulation. Many industries, in addition to broadband internet service providers, maintain the personal identifying information about consumers and could be affected by data losses. This narrow language would fail to provide adequate protection for consumers whose personal identifying information is held by companies in other sectors of the economy.

Rather than enact more state laws that impose restrictions on businesses performing interstate commerce that also collect consumer data, you and your colleagues in the New Hampshire state legislature should encourage Congress to pass a national data privacy framework that will promote innovation while providing certainty across state borders for the regulation of data privacy. In addition, New Hampshire should not adopt any privacy-related legislation that singles out a single sector of the economy.

Again, I urge you to vote against HB 1413.

Sincerely,

Tom Schatz