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March 17, 2021

The Honorable Drew Hanson
Chairman
Washington House Civil Rights & Judiciary Committee
P. O. Box 40600
Olympia, WA 98504-0600

Dear Mr. Chairman,

On behalf of the 49,574 members of the Council for Citizens Against Government Waste (CCAGW) in Washington, I urge you to vote against SB 5062, relating to the management, oversight, and use of data.

Unfortunately, this bill will fail to achieve its objective to protect consumer privacy. It would create instability and uncertainty for internet service providers (ISPs). The internet is not contained within a single state's boundaries and therefore participants operating within the internet ecosystem, including ISPs, can only be regulated by the federal government under the Commerce Clause, Article I, Section 8 of the Constitution.

On December 14, 2017, the Federal Communications Commission (FCC) adopted the Restoring Internet Freedom Order (RIFO), which restored the internet's proper classification as an information service, as intended in the 1996 Telecommunications Act. It was under this light-touch regulation that the internet thrived and became one of the greatest economic and social innovations in history..

The RIFO also reinstated the Federal Trade Commission's authority to investigate privacy and consumer protection violations by ISPs, and strengthened its enforcement capabilities by enhancing transparency requirements. Any ISP infringing upon consumer privacy or engaging in otherwise unfair conduct can be held accountable for its actions.

States have enacted or will be reviewing laws that would 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 in each state, impinging on interstate commerce. Without the adoption of a consistent national privacy protection regime that preempts state and local laws, more states will enact their own rules, which raises costs and complicates compliance for businesses and individuals.

Rather than enact state laws imposing restrictions on online interstate commerce, state legislatures 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.

Again, I urge you to vote against SB 5062.

Sincerely,

cc: Members of the House Civil Rights & Judiciary Committee