



Action & Resources for a **Just, Accountable** and **Diverse** Media System



July 17, 2017

VIA FAX

California Senate Utilities Committee
State Capitol, Room 4035
Sacramento, CA 95814

Ben Hueso, Chair, Mike Morrell, Vice-Chair, Steven Bradford, Anthony Cannella, Robert Hertzberg, Jerry Hill, Mike McGuire, Nancy Skinner, Henry Stern, Andy Vidak, Scott Weiner

Letter of Support – AB 375

Honorable Members of the California Senate Utilities Committee,

On behalf of Media Alliance, I am writing in support of AB 375, authored by Assembly member Ed Chau. AB 375, the California Broadband Internet Privacy Act will ensure consumers enjoy choice, transparency and security in the treatment of their personal information when accessing the internet through an Internet Service Provider (ISP).

Media Alliance is a Bay Area democratic communications advocate. Our members include professional and citizen journalists and community-based media and communications professionals who work with the media. Many of our members work on hot-button issues and with sensitive materials, and their online privacy is a matter of great professional and personal concern. The legislation has no impact on Internet users who are apathetic or unconcerned about the marketing of their Internet data. It simply provides choice and the right of consent for those with significant needs for enhanced protection.

Americans highly value their privacy, especially on the Internet. A 2014 PEW Research Center study found that 91% of adults agree that “consumers have lost control over how personal information is collected and used by companies.” The same study found that 64% of Americans believe that the government should do more to regulate what advertisers do with their personal information¹. Most recently, a public opinion poll conducted in March 2017 after Congress repealed the FCC privacy rules found that 80% of Democrats and 75% of Republicans wanted the President to allow the FCC privacy rules to take effect.² Californians, as we know, are even more likely to oppose the actions of the Trump administration than the country as a whole.

1 <http://www.pewinternet.org/2014/11/12/public-privacy-perceptions/>

2 <https://www.vox.com/policy-and-politics/2017/4/4/15167544/broadband-privacy-poll>

Assembly member Chau acted to attempt to address the distress of Californians across the state to the abrupt actions of the Trump Congress in invoking rarely-used Congressional Review Authority (CRA) to gut the popular broadband privacy protections. The bill, introduced very recently, has already been endorsed by newspapers across the state including the *Sacramento Bee*, *San Diego Union-Tribune*, *San Francisco Chronicle*, *Santa Rosa Press Democrat*, *San Jose Mercury News*, *Fresno Bee* and *Monterey Herald*, as well as some of the state's biggest privacy and civil rights groups. Californians want the Legislature to correct the misguided CRA revocation driven by the Trump Administration.

Search data and browsing history provides the most complete and comprehensive information on an individual's most sensitive and private concerns. Internet users can choose which edge providers to access by selecting to provide information within platforms like Facebook, Twitter or Instagram or not, and by selecting their choice of search engines or browsers, including some like Duck Duck Go or Tor, that provide enhanced privacy protections. But they cannot use the Internet without using an Internet Service Provider (ISP).

AB 375 prevents ISP's from monetizing their crucial role as pipes by charging users who value their privacy an additional fee to shield themselves from the sale of their data to data brokers. Many users, based on research polls, would choose to do exactly that, with large increases in the number of Internet users adopting Virtual Private Networks (VPN's) at their own cost to limit the marketing of their data.³ But not all Internet users can afford to purchase supplementary privacy protections that might need them. We exacerbate an already harmful digital divide and technology gap when we make the Internet less accessible, less affordable, less useful and less safe for low-income communities. And work at cross-purposes to established technology access goals in the State of California. A large majority of Americans have rejected the idea of slow and fast lanes on the Internet based on the ability to pay more.⁴ We should not replicate that unpopular model in user privacy.

Media Alliance encourages you strongly to support AB 375. Internet service providers will not be damaged by offering their customers the right to consent to the sale of their data. While we understand that some telecom companies may be lobbying intensely against the bill, we would ask that you investigate some of their more dubious claims.

Consenting is not a confusing concept to most Internet users who are inundated with terms and conditions language every time they utilize the Internet, often about far more obscure and less compelling matters than whether or not they consent to the sale of their browsing data by their ISP. With 69% of Independents, 75% of Republicans and 80% of Democrats wanting to keep the FCC broadband privacy protections in place, the argument that consumers are confused is not only untrue, but condescending to the very customers who provide the revenue to California's ISP's. Their customers want this and smart businesses respond to the needs of their customers.

³ <http://www.ibtimes.com/vpn-services-report-huge-increase-downloads-usage-broadband-privacy-rules-were-2524605>

⁴ <http://michaelweinberg.org/post/108012246775/5-reasons-why-internet-fast-lanes-can-never-make>

AT&T, according to media reports,⁵ has also told the Utilities committee AB 375 is unnecessary because the Federal Trade Commission (FTC) will enforce privacy standards. But AT&T is aware this is not true because they were in court with the FTC in October of 2014 and received a judgment that the FTC lacked the authority to prosecute AT&T due to common carrier status. A situation that will remain unchanged at least until the lengthy network neutrality debate in Washington DC is resolved, both in the political process and in the courts, which may take several years.

AB 375 is wise public policy and a bill that will make California a stronger economic force and a better place to live.

Thank you for your consideration.

Sincerely,

Tracy Rosenberg

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⁵ <https://www.mediapost.com/publications/article/304297/att-business-groups-fight-california-privacy-pro.html>