



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



August 7, 2017

Senate Judiciary Committee, Chair, The Honorable Hannah Beth Jackson, and Senators John Moorlach, Joel Anderson, Robert Hertzberg, Bill Monning, Henry Stern, Bob Wieckowski

Staff: Margie Estrada

RE: AB 375 (CHAU) – California Broadband Internet Privacy Act

POSITION: SUPPORT FOR REFERRAL TO SENATE FLOOR

Dear Honorable Senators on the Judiciary Committee,

On behalf of Media Alliance, I am writing in support of AB 375, authored by Assembly member Ed Chau, the California Broadband Internet Privacy Act (CBIPA), and specifically in support of the amendments agreed to by the Judiciary and Utilities Committees on July 18 and subsequent referral to the California Senate floor.

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. AB 375 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). The legislation has no impact on Internet users who are apathetic or unconcerned about the marketing of their Internet data. It simply provides choice for those with significant needs for enhanced protection.

I have been earlier informed that it is inappropriate protocol to write to the Senate Rules Committee. It is always my wish to respect the protocol of the government bodies I engage with. But it is also my responsibility on behalf of my membership to advocate for their interests as strongly as I can. I do not know how to do that without addressing the agreement described in the AB 375 policy hearings on July 18.

It is my understanding that the amendments – described on July 18 specifically as 1) tracking the language used in the revoked FCC regulations precisely and 2) maintaining a prohibition on pay for privacy plans – have been provided to the Rules Committee some time ago.

What is the precise timeline for the addition of the specific amendments and re-referral back to the Judiciary Committee and then the floor of the CA Senate?

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 information.¹ 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 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 Jose Mercury News*, *San Diego Union Tribune*, *San Francisco Chronicle*, *Fresno Bee*, *Santa Rosa Press Democrat*, and *Monterey Herald*, as well as some of the state's biggest privacy and civil rights groups. Californians want this bill to receive a fair hearing on the merits and they want the Senate to facilitate that.

In a functioning marketplace, industry would naturally have to be responsive to the desires of more than 2/3 of their customers, or they would find themselves without many of those customers, who would flee to other providers. But in the high speed broadband marketplace, Americans rarely have the choice of more than two providers, one cable and one DSL, and a significant chunk of the population has only one choice of provider.³ This provider-dominated marketplace does not allow the majority of Californians to address their broadband privacy preferences via consumer action. They need your help.

You need only look at the uproar over Senator Lara's health care bill SB-562 to see the cost to civic engagement and faith in the political process that occurs when proposals that speak to the needs of Californians do not receive an opportunity to be heard. And AB 375, while an important bill, contains nowhere near the financial challenges and policy complexity of that bill, which seeks to overhaul an entire industry rather than simply implement consent procedures for existing services.

Media Alliance encourages the Judiciary committee to ensure the agreements made on July 18 between the Utilities, Judiciary and Rules committees are kept and the bill promptly amended and forwarded to the floor of the Senate. While we understand that some telecom companies may be lobbying intensely against the bill, as it is their right to do, we would ask that their efforts be directed to prevailing in an equitable legislative forum on the strength of their arguments, not to working behind the scenes to delay the amendment and referral process beyond legislative deadlines.

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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³ <https://arstechnica.com/information-technology/2016/08/us-broadband-still-no-isp-choice-for-many-especially-at-higher-speeds/>