



August 23, 2019

The Honorable Toni Atkins
State Capitol, Room: 205
1303 10th St.
Sacramento, CA 95814

RE: Special Interests overreach in a desperate last-ditch attempt to unravel CA's landmark privacy law

Dear Senator Atkins:

As privacy, civil rights, and consumer advocates who have worked tirelessly over the last year to preserve and improve California's landmark law, the California Consumer Privacy Act (CCPA), we write to illuminate recent desperate efforts by special interests to weaken privacy protections for the state's consumers.

The "Nonprofit Alliance" (Alliance), a DC-based group aligned heavily with direct marketing and industry organizations, circulated a letter to California's legislative leadership on July 30, 2019. This letter sought to delegitimize the work of the state's Senate Judiciary Committee, which recently voted to preserve the integrity of the CCPA. Specifically, this letter focused criticism on the Committee Chair, a long-standing consumer champion, Senator Hannah Beth Jackson. It asserted that she, in particular, was wrong to lead the Committee in preserving the state's landmark law. Further, it called for the creation of a new Senate "Privacy Committee" as a means to circumvent the safeguards of existing legislative deliberation and procedure. Finally, the letter claimed that the CCPA would have negative effects on the non-profit community of California, which is in fact exempted from the law. These claims are misleading, incorrect, and a danger to healthy public discourse.

Moreover, Senator Hannah Beth Jackson is a demonstrated champion of privacy, equity, civil rights, and the environment. Her resume has earned her a reputation as a notable nemesis to corporate interests. It is unfortunate and perhaps indicative of a Trumpian era that, even in a state with a Democratic majority, she is a rare voice on behalf of consumers. As non-profit

organizations working in these areas, we fully support her as Chair of the Senate Judiciary Committee. We see any proposal to de-legitimize the work and jurisdiction of the Senate Judiciary Committee as a targeted attempt by industry to manipulate the legislative process at the expense of consumers and voters.

To be clear, the California Consumer Privacy Act exempts non-profit groups. This exemption was carefully considered so as to allow the important work of California's non-profit community to continue to thrive and is reflective of other similar exemptions for nonprofits in state and federal laws. Given this fact, it begs the question: What are the true motives of the so-called Alliance?

Furthermore, since the passage of the CCPA, we have collaborated with industry and advocates in good faith efforts to find common ground, and to propose solutions regarding workability. Indeed, this year multiple CCPA privacy bills have moved forward in California with either the support or neutrality of the privacy and consumer coalition.

Curiously, the Alliance played no role in the drafting of the CCPA or the original initiative which spawned its creation, and appears to have no meaningful ties to the California non-profit community. Yet, the organization has recently materialized alleging to speak on behalf of the non-profit community on privacy, as it has done on multiple unrelated occasions on behalf of other industry interests who rely on exploiting consumer data and interests for profit.

The website of the Alliance is opaque, at best, and features direct ties to a group called the Direct Marketing Fundraisers Association which is comprised of direct marketing, advertising and marketing agencies committed to making fundraising more effective and cost efficient. These facts, coupled with the timing of this letter at the eleventh hour of the legislative session, are highly suspect and appear designed to undermine legitimate policy making at the expense of consumer and civil rights.

In fact, this organization has a history of misleading the legislature, consumers, and the press. Financial information for the Nonprofit Alliance is not publicly available. In 2019, the California Association of Nonprofits (CalNonprofits), a long standing advocate for the California non-profit community, felt it important to publish a letter clarifying that they are in no way related to the Nonprofit Alliance in order to eliminate confusion intentionally stoked by the Alliance.

Whether the Alliance intentionally sought to mislead the legislature under the guise of non profit advocacy, or simply fails to understand the CCPA and the state's legislative process, their last minute requests for drastic changes to both process and the law are of great concern. Legislative leaders and the public clearly require additional facts about this organization and its motives.

For the sake of resolving all confusion moving forward, **we are asking that the Nonprofit Alliance release their financial information; explain their ties to corporate donors; and clarify their leadership, mission, and membership.**

Thankfully, attempts by special interests to weaken the CCPA, or pre-empt it at the national level have thus far failed. We remain committed to working in good faith to preserve the law, ensure it is workable for consumers and businesses, and are diligent in our efforts to ensure meaningful consumer protections. We respectfully urge you to ignore the calls of shadowy special interest groups to circumvent the law and legislative discourse. We fully support Senator Hannah Beth Jackson in her role as Chair of the Senate Judiciary Committee, and the jurisdiction of the committee to protect the legal and privacy rights of Californians. Your leadership here will ensure that California continues to lead the country in consumer and privacy protections.

Sincerely,

Sean Taketa McLaughlin, Executive Director, Access Humboldt
Kevin Baker, Director of Legislative Affairs, ACLU of California
Jeffrey Chester, Executive Director, Center for Digital Democracy
David Monahan, Campaign Manager, Campaign for a Commercial-Free Childhood
Joseph Ridout, California Legislative Advocate, Consumer Action
Jamie Court, President, Consumer Watchdog
Matthew Erickson, the Executive Director, Digital Privacy Alliance
James P. Steyer, Founder and CEO, Common Sense
Tracy Rosenberg, Executive Director, Media Alliance
Emory Roane, Policy Counsel, Privacy Rights Clearinghouse