

**AB 375 (CHAU) INTERNET SERVICE PROVIDERS: CUSTOMER PRIVACY
OPPOSE AS AMENDED SEPTEMBER 12, 2017**

“SENATE ALERT”



State Privacy and Security Coalition, Inc.



CIVIL JUSTICE ASSOCIATION OF CALIFORNIA



More To Sea



September 12, 2017

TO: Members, California State Senate

FROM: California Chamber of Commerce
Association of National Advertisers
AT&T
Auto Alliance
Brea Chamber of Commerce
California Communications Association
California Justice Association of California
California Manufacturers and Technology Association
California Restaurant Association
California Retailers Association
Camarillo Chamber of Commerce
Charter Communications
Comcast
Computing Technology Industry Association – CompTIA
Consolidated Communications
Consumer Data Industry Association
Cellular Telecommunications and Internet Association
Data & Marketing Association
Fountain Valley Chamber of Commerce
Frontier Communications
Greater Irvine Chamber of Commerce
International Franchise Association
Internet Association
Internet Coalition
Liberty Mutual
Motion Picture Association of America
Oxnard Chamber of Commerce
Rancho Cordova Chamber of Commerce
Redondo Beach Chamber of Commerce
Retail Industry Leaders Association
San Gabriel Economic Partnership
Santa Maria Valley Chamber of Commerce
South Bay Association of Chambers of Commerce
Sprint
State Privacy and Security Coalition
TechNet
Verizon

**SUBJECT: AB 375 (CHAU) INTERNET SERVICE PROVIDERS: CUSTOMER PRIVACY
OPPOSE AS AMENDED SEPTEMBER 12, 2017**

The California Chamber of Commerce and the coalition of business and technology organizations listed above **OPPOSE AB 375**. This bill was gutted and amended in the Senate. Then, during policy committee hearings, the author agreed to align the bill with a Federal Communications Commission regulation. Instead of fixing the bill, amendments of August 21st compounded problems in the bill. Those amendments attempted to mirror a 7-page Rule without reference to or inclusion of the 169-page Report and Order that provided the definitions, exceptions, and exemptions in the Rule.

AB 375 is being amended again. The amendments of September 12, 2017, are an admission that the bill is deficient, yet the current version of **AB 375** remains entirely unworkable. Now, this bill has been gutted twice and heavily amended a third time. The latest amendments introduce new concepts and definitions that have never been considered or codified. The last two versions have received no policy committee hearings. **The September 12th Amendments to AB 375 Do Not Address the Coalition's Concerns. The Entire Coalition Remains Opposed to AB 375.**

Even taking into account the September 12th amendments, **AB 375** is vague and unclear to a degree that will have serious effects on consumers and businesses. Foundational concepts are lacking, including a clear definition of what businesses the bill covers. The bill would also lead to recurring pop-ups to consumers that would be desensitizing and give opportunities to hackers. The bill also prevents internet providers from using information they have long relied upon to prevent cybersecurity attacks and improve their service. Thus, the bill at once increases the likelihood of cyber threats while hamstringing businesses from fighting the same threats.

This bill will create a cumbersome, uncertain, and vague regulation of internet providers in California. This single-state approach is antithetical to the forward-looking policies that have made California a world leader in the Internet Age. California has so much at stake and cannot afford to get this wrong. **AB 375 will hurt California's innovation economy and consumers. VOTE NO ON AB 375.**

cc: The Honorable Ed Chau
Tom Dyer, Office of the Governor
Office of Senate Floor Analyses
Bill Gage, Senate Business Professions, and Economic Development Committee
Kayla Williams, Senate Republican Caucus
District Offices, Members, California State Senate

KM:ldl