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THE FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

October 11, 2023

Chair Anne Carney and Chair Matt Moonen
Joint Standing Committee on the Judiciary
Maine Legislature
100 State House Station, Room 438
Augusta, ME 04333

Re: Maine L.D. 1977, Maine Data Privacy and Protection Act — SUPPORT

Dear Chair Carney and Chair Moonen,

Restore The Fourth is a volunteer-based, grassroots, nonpartisan civil liberties group, founded in 2013. We organize to protect people's privacy, especially as it relates to government surveillance. We are writing to urge your support of LD1977. We also endorse the comments of Consumer Reports on this bill.

Large corporations that generate large pools of consumer data create significant privacy risks for Maine residents. Privacy laws such as LD1977, resembling those passed in California and under consideration in Massachusetts, help to inhibit the creation of those data pools. Under LD 1977, corporations would be inhibited from collecting or processing information on Maine residents that is not reasonably necessary to provide the specific product or service requested by consumers. This strong "front-end" protection is necessary for Maine's people, because it's only data that is never collected in the first place that can never be breached. In turn, if breached, these large data pools can be exploited to the detriment of Maine residents, as we saw with the debate over the controversial, intrusive activities of the Maine Information and Analysis Center.

LD1977's other great strength is that Maine residents would be able to still use key services from large corporations, without having to "consent" under duress to those corporations' exploitation of their personal information. Privacy is not simply a niche interest, of concern only to people with something important to hide. Privacy is not just a matter of whether corporations get to send people targeted ads. Privacy is that freedom from unwanted intrusion, by corporations or by government, that enables each resident of Maine to nurture their own ideas, opinions and character. In short, if you want Mainers to thrive again, and our communities to thrive again, *protect people's privacy.*

For a whole generation now, large corporations have collected and used people's data in a thousand ways people neither expected nor authorized. Worse than that, large corporations have allowed governments to access these pools of data, without properly protecting the privacy interests of their users. It has become routine for Maine residents to feel that the price of participating in the modern world, commercially or politically, is to expose through your phone your whole patterns of life, your tastes, beliefs and inclinations, to all of the largest corporations in the world. No wonder, then, that many Mainers feel exploited and vulnerable. But it doesn't have to be that way.

With LD1977, that can change, placing tools readily in the hands of people again to control their online lives. To cite just one example, Section 9602(5) includes in the bill's coverage information that *"is linked or reasonably linkable, alone or in combination with other information, to an individual or a device"*, meaning that corporations will need to be judicious about the extent to which they track consumers' activities over their phones.

No bill is perfect, and we would like to sound a note of caution relating to the provisions in Section 9610.2, which set up a series of limitations on corporations' targeted advertising to people whom they know to be, or whom they should reasonably have known to be, minors. We support the protection of minors' privacy rights, but we also believe that provisions such as this can often lead to corporations attempting to comply by putting minors' privacy at greater risk. They will often implement invasive gathering of government IDs, such as happened in Louisiana when the government required age verification for Louisianans to access online pornography. The result is that the corporation would then have to store and secure a database of very sensitive information on millions of users, and that database can then be hacked and exploited to those minors' detriment. Possible remedies here are to explicitly permit corporations simply to accept minors' self-attestations that they are or are not minors, or, more broadly, to prohibit targeted advertising by a covered high-impact social media company to people of any age.

We hope you will feel able to support this important bill, and are available for further comment as needed.

Sincerely,



Alex Marthews, National Chair.