



May 5, 2025

The Honorable Anne Carney
Senate Chair, Committee on Judiciary

The Honorable Amy Kuhn
House Chair, Committee on Judiciary

Submitted Electronically

Re: LD 1284 and LD 1088 – OPPOSE

Dear Chairs Carney and Kuhn:

I write today on behalf of the Electronic Frontier Foundation, a San Francisco-based, non-profit organization that works to protect civil liberties in the digital age. EFF represents more than 30,000 active donors and members, including in Maine. We write to respectfully oppose LD 1284 and LD 1088, which would repeal this state's landmark broadband privacy law.

EFF supported these broadband privacy provisions, both in the legislature and in court with an amicus brief supporting the law before broadband companies dropped their challenge to it in 2022.¹

Repealing this law would be a devastating step back for privacy in Maine. With this law in place, broadband internet access services (BIAS) have to ask people for their consent to use and disclose “customer personal information.” That includes billing information and social security number. It also includes information derived from a customer's use of broadband service. Such information includes browsing history, application use, precise geolocation, financial and health information, device identifiers, and contents of communications.

That is highly sensitive information. Broadband internet service providers, left unchecked, are in a unique position to mine and profit from this data in ways that individual customers would never expect. A customer must entrust a BIAS provider to carry their online communications—much like UPS or FedEx carry physical packages or letters. This gives BIAS providers the opportunity to rifle through customers' online lives.

We would find it unacceptable if FedEx or UPS logged such information. And, unlike package carriers, when it comes to broadband providers, customers are also often not given a choice of provider in their area. That leaves them uniquely at the whim of an individual company's policies.

¹ Schwartz, Adam, et al. “EFF to Court: Broadband Privacy Law Passes First Amendment Muster.” *Electronic Frontier Foundation*, 28 May 2020, www.eff.org/deeplinks/2020/05/eff-court-broadband-privacy-law-passes-first-amendment-muster.

Maine's broadband privacy law is one of the best such laws in the country. That is why we oppose LD 1284 and LD 1088 and urge you not to take away these crucial protections by repealing the law. We respectfully urge your "*no*" vote. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hayley Tsukayama', followed by a horizontal line.

Hayley Tsukayama
Associate Director of Legislative Activism
Electronic Frontier Foundation
(415) 436-9333 x 161

cc: Honorable members of the Joint Standing Committee on Judiciary