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THE MAINE SENATE
131st Legislature

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Testimony of Senator Lisa Keim before the Joint Standing Committee on Judiciary
LD 1973, An Act to Enact the Maine Consumer Privacy Act
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Senator Carney, Representative Moonen and honorable members of the Joint Standing Committee on Judiciary. I am Lisa Keim, and I proudly represent the citizens of Senate District 19, which includes much of Northern Oxford County and communities in Franklin County. I am here to present LD 1973, "An Act to Enact the Maine Consumer Privacy Act."

This bill originated from my online experience seeing disclaimers on all website that allow California residents to opt out of their private information being sold. If California residents have control over their privacy, Maine residents should have this same control.

According to the Pew Research Center, large majorities of Americans have serious concerns regarding their personal data. In the 2019 survey, 62% of Americans said "it is not possible to go through daily life without companies collecting data about them." 81% of those surveyed said that "they have little/no control over the data companies collect" and that the "potential risks of companies collecting data about them outweigh the benefits." Similarly, 79% said they "are very/somewhat concerned about how companies use the data collected."

This bill is important to all our constituents, seeking to establish important information privacy, privacy rights that have been taken out of our hands through the companies who profit off our data. Currently, Maine citizens have no choice. This bill seeks to give Maine people control over their information and create a more transparent relationship between businesses and their customers.

The bill is based on the Connecticut framework for comprehensive privacy legislation. It will provide extensive consumer rights and impose some business requirements on collecting, using, and selling consumer data.

Many states have already adopted comprehensive privacy legislation and many more are moving to enact similar legislation this session. It is time for Maine to do the same.

The bill is meant to extend the core protection of the ISP-only act, which applies only to a narrow subset of companies and information, to a much broader set of information and companies. The framework is actually stronger than California's, the framework on which I based my bill in the 130th Legislature, because it requires data protection assessments from companies processing sensitive and other types of data. And it also requires an opt-in consent from consumers.

The proposed protections in this bill include:

- Strong opt-in consent controls for consumers. Consumers must provide affirmative consent for businesses to collect and process biometric data, children’s data, health data, precise geolocation, and other types of data.
 - The opt-in consent must be clear and easy to understand.
- Consumer rights to control any data that is “linked or reasonably linkable to an identified or identifiable consumer”. This includes:
 - Right to Access data that a company has regarding the consumer
 - Right to Delete data that a company has regarding the consumer
 - Right to Correct inaccurate data that a company has regarding the consumer
 - Right to Port the data provided by the consumer to another company
 - Opt-In requirement for the processing of personal data for:
 - Sale
 - Targeted advertising
 - Profiling

These are important protections that the people of Maine deserve to have.

Under this bill, businesses will be required to:

- Disclose the purpose for collecting and processing personal data
- Obtain affirmative opt-in consent if a business wants to use the data for a different purpose than originally disclosed to the consumer
- Document the processing, including both the risks and benefits, of sensitive data
 - Document how the business will mitigate risk from processing sensitive data
- Delete by July 1, 2025 a consumer’s data if the consumer has not opted-in to data processing
- Make processors contractually agree to:
 - Confidentiality with processing personal data
 - Deleting/returning all of personal data when the contract is completed
 - Allow the controller to assess the processor’s contractual compliance

This bill, and other privacy legislation being considered by the Judiciary Committee this session, cover complex issues and need to be worked out thoroughly with the business community and privacy experts. It is my hope that the Judiciary Committee will agree to carry this bill, and other privacy legislation, over to the next regular session and, in the meantime, put together a group to work through the issues of internet privacy protection.

This bill is past due. We can find a way that protects privacy and allows businesses to interact with consumers online in a mutually beneficial way. Mainers are worried about how their personal data is being used and sold. We need to alleviate their concerns.

Thank you for your consideration. I would be happy to answer any questions you may have.

Your California Privacy Rights

Residents of California have the following privacy rights:

THE CALIFORNIA CONSUMER PRIVACY ACT

The California Consumer Privacy Act provides that California residents may (subject to certain limitations):

- Request the personal information we collect about them.
- Ask that we delete the personal information we collect about them.
- Opt out of having their personal information sold (while we do not share personal information with third parties in exchange for money, we disclose certain information in exchange for insights and other valuable services, and California law treats such sharing as a "sale" even if no money is exchanged; click here for more information).

To exercise these rights, please click here.

CALIFORNIA'S SHINE THE LIGHT LAW

California's Shine the Light law gives California residents the right to ask companies once a year what personal information they share with third parties for those third parties direct marketing purposes. California residents may make one Shine the Light request per year by emailing us at privacy@homedepot.com. When you request the information, use the phrase "California Shine the Light Request" to help us appropriately identify your question, and include your mailing address, state of residence and email address so we can provide a response. For additional information about our collection, use, and disclosure of personal information, please see our Privacy and Security Statement.



Your privacy



California residents have certain rights with regard to the sale of personal information to third parties. Guardian News and Media and our partners use information collected through cookies or in other forms to improve experience on our site and pages, analyze how it is used and show personalized advertising.

At any point, you can opt out of the sale of all of your personal information by pressing

[Do not sell my personal information](#)

You can find out more in our [privacy policy](#) and [cookie policy](#), and manage your choices by going to 'California resident – Do Not Sell' at the bottom of any page.