



STATE OF CONNECTICUT
ATTORNEY GENERAL WILLIAM TONG

Chairman Fox, Ranking Member France, Chairwoman Flexer, Ranking Member Sampson and distinguished members of the Government Administration and Elections Committee, thank you for the opportunity to submit testimony on SB 1108, *An Act Concerning Consumer Privacy*.

I applaud this cutting-edge legislation, which seeks to strengthen and enhance the privacy protections afforded to Connecticut consumers. If passed into law, it would grant consumers more choice and control over their personal information, as well as greater understanding of its value and use. Such protections are crucial in an era of increasing reliance on technology and a proliferation of data breaches, and I am grateful to the Committee for considering how we might take action to protect consumers.

There are, however, portions of SB 1108 that I would ask to be revised because of the significant impact to the work, mission and function of the Office of the Attorney General.

This bill tracks the language of the California Consumer Protection Act (CCPA), a law that is likely to be significantly revised in the near future. Indeed, my colleague, California Attorney General Javier Becerra, is one of many stakeholders seeking to resolve several issues with the CCPA, including many of which that are reflected in the current draft of SB 1108. These identified problem areas include a number of requirements that will present significant problems and operational challenges for the Office.

First, Section 13 would permit businesses or any third party to seek a legal opinion from the Attorney General on how to comply with the provisions of the bill. Currently, Section 3-125 of the General Statutes limits the universe of those who may seek a legal opinion from this Office to the leadership of the General Assembly, the head of any Executive department and any state board or commission. As the chief law enforcement for the State of Connecticut, it is vitally important that the legal advice given by the Office be limited to the State and its agents, as enumerated in Section 3-125.

Additionally, from an enforcement standpoint, Section 13 also creates a conflict with our statutory mandate to enforce the law. If we were to opine on the legality of the actions of a business or third party, it could present a "safe harbor," thus precluding us from commencing an enforcement action if the need later arose. Additionally, if our office were to be required to offer opinions on compliance with the law, the volume and detail of such advice would require a considerable increase in the number of Assistant Attorneys General who have this specific legal and technical expertise.

Second, Section 12(b) forges a 30-day period for business to cure an alleged violation before the Attorney General can bring an action to enforce such violation. This unwarranted and unnecessary “grace period” would fundamentally alter and restrict the authority of the Office and dilute our ability to protect Connecticut residents.

Finally, Section 12(c)(3) would require the Office to scrutinize every private action for a first right of refusal. This too would require increased staffing in order to make the determination within a short window and would likely need to be done prior to a full and thorough investigation. Not only would this redirect our resources away from enforcement work, but it would hamper consumers’ ability to seek redress for privacy violations in an expedient fashion.

In closing, I want to reiterate my support of the concept behind this bill. If our concerns can be assuaged, I will look forward to supporting its passage. Thank you again for the opportunity to submit testimony, and if you have any questions, please do not hesitate to contact me.