



ATTORNEY GENERAL WILLIAM TONG  
STATE OF CONNECTICUT

**Testimony in Support of Senate Bill No. 6: *An Act Concerning Consumer Privacy***  
**General Law Committee**  
**Thursday, March 3<sup>rd</sup>, 2022**

Chairman D'Agostino, Ranking Member Rutigliano, Chairman Maroney, Ranking Member Witkos and distinguished members of the General Law Committee, thank you for the opportunity to testify before you today on SB 6, *An Act Concerning Consumer Privacy*.

The Office of the Attorney General (“Office”) supports this legislation, which seeks to fortify and enhance the privacy protections afforded to Connecticut consumers. If passed into law, SB 6 will empower consumers with rights over their personal information, as well as a greater understanding of the value and use of their data. These privacy protections are crucial in an era of increasing reliance on technology and a proliferation of data breaches.

We recognize that the bill has benefitted from the thoughtful input of various stakeholders and represents significant progress from past versions. In particular, SB 6 appropriately vests enforcement authority with our Office, and we have advocated for a structure that gives us the best tools to be fair and thorough in this important work. By providing that non-compliance is a *per se* violation of Connecticut’s unfair trade practices act, the bill enables our Office to appropriately investigate potential violations and make use of a wider array of redress options, including penalties and injunctive relief where circumstances warrant.

We also believe the sunset of the 30-day cure period is necessary to ensure that we can meaningfully enforce the law. Without a sunset, our Office’s authority and ability to protect Connecticut residents would be fundamentally restricted. The sunset will provide time for Connecticut businesses to adjust to the law while offering an opportunity for our Office to provide further clarity on compliance expectations.

The bill puts the onus on consumers to opt-out of companies collecting their data. In general, the opt-out model requires consumers not only to identify which companies are collecting their data—an almost impossible task in the labyrinth of cross-company data sharing—but also submit hundreds or thousands of separate requests to each of those companies to exercise their rights. While we would have favored an opt-in mechanism, which affords consumers the greatest protection, we were glad to see that the bill requires controllers to honor a consumer’s signal not to share their data when they make this request.

Another noteworthy provision is the bill’s updated definition of “sale” which now includes data exchanged not only for money but also for “other valuable consideration.” Our Office has reiterated that dated conceptions of “selling” information do not reflect how current data models work. Given that many key consumer protections in the bill are grounded in the “sale” of data, it is critical to ensure the definition does not wrongly exempt large swaths of data transfers and processing.



ATTORNEY GENERAL WILLIAM TONG  
STATE OF CONNECTICUT

Though we appreciate the progress made in the bill, we continue to have concerns about sweeping exemptions that could serve to dilute the effect of the law. For example, the bill not only exempts financial information protected by the Gramm-Leach-Bliley Act (“GLBA”) but also affords an entity-level exemption for any “financial institutions” subject to the GLBA. We continue to believe that exemptions should be tied to the information such laws are designed to protect, not entities as a whole.

Despite this concern, we believe that SB 6 represents a good foundation for building and expanding upon privacy protections for Connecticut consumers. Going forward, we strongly urge against any changes that would narrow the law’s reach, dilute the rights it grants to consumers, or inhibit the enforcement tools it affords to our Office. Conversely, we would support efforts to strengthen the bill’s protections. For example, one area that warrants further discussion and careful consideration is whether the law goes far enough to protect teens—a group particularly vulnerable to harm from privacy violations.

Finally, we think it is important to reiterate that our Office will require additional resources in order to carry out the responsibilities contemplated by the bill. In addition to the investigations and enforcement actions that we may bring, there will be true value in educating consumers on the rights contained in the bill and how those rights may be exercised, as well as educating businesses on their responsibilities under the law.

Once again, we appreciate the opportunity to weigh in on this important bill and support its passage. Now more than ever, Connecticut consumers deserve greater insight into and control over the use of their personal information. We look forward to working with the Committee as the bill progresses.

For additional information, please contact Cara Passaro, Chief Counsel to the Attorney General and Director of Legislative Affairs at [cara.passaro@ct.gov](mailto:cara.passaro@ct.gov).