

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-3

AN ACT CONCERNING ONLINE PRIVACY, DATA AND SAFETY PROTECTIONS AND AN EMPLOYER'S DUTY TO DISCLOSE KNOWN INSTANCES OF SEXUAL HARASSMENT OR ASSAULT COMMITTED BY AN

**Title:** EMPLOYEE WHEN MAKING EMPLOYMENT RECOMMENDATIONS.

**Vote Date:** 3/30/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/22/2023

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

Online privacy is of utmost importance in the digital world we live in today, especially for children who are easily taken advantage of online. This bill aims to further protect consumer health data and defend minors using the internet and social media platforms. This bill also addresses sexual assault and harassment in the workplace, which will make offices and workspaces a safer place.

## **SUBSTITUTE LANGUAGE:**

The substitute language removes Section 13 from the original bill, which was the provision that had to do with alleged sexual assault and harassment in the workplace.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Chief State's Attorney Patrick Griffin, Division of Criminal Justice:** He testified in support of section 9 of this bill.

**Jennifer Bourn, Chief of Legal Services, Office of Chief Public Defender:** She opposes section 9 of this bill stating that borrowing language from a federal statute is problematic, as the federal statute at issue was enacted in 1986 which was long before smartphones were ubiquitous.

## NATURE AND SOURCES OF SUPPORT:

**Bridget Koestner, Policy Manager, CT Alliance to End Sexual Violence:** She supports this bill stating it would allow employers to make informed decisions about the new employee that they are bringing onto their staff.

**Kyle Zebley, Executive Director, ATA Action:** He supports this bill as the organization agrees with the overall intent of it to ensure appropriate protections for personal health information. However, they do have concerns over several provisions in the bill that may put undue burdens on healthcare providers due to its complexity and undefined breadth.

**Jess Zaccagnino, Policy Counsel, ACLU CT:** She supports this bill stating that there is a dire need to protect private health-related data as abortion access is under attack. She also stated that the organization opposes section 9 of the bill because it would infringe on privacy rights.

**Liz Gustafson, State Director, Pro-Choice Connecticut:** She supports this bill stating it is an important step forward to protect sensitive consumer health data, but the organization also suggests that the bill language be amended to included limited-service pregnancy centers.

**Senate Democratic Office:** They support this bill, stating that to combat the increasing harm posed by online businesses, sections 3 through 8 of this bill will protect the privacy of minors and prohibit the use of their personal data from being used in ways that causes them harm. They also state that sections 10 and 11 of the bill establish a duty of care that dating apps owe to their users against violent, financial, or any other criminal act committed by another user.

**Mike Muszynski, Chief Strategy Officer, CT Conference of Municipalities:** He supports this bill stating the protections which enhance online privacy and safety are essential. He states, however, that the organization does have concerns with section 13, as it may raise unintended consequences to ensure compliance.

## NATURE AND SOURCES OF OPPOSITION:

**Wyatt Bosworth, Assistant Council, CBIA:** He opposes this bill stating that if section 13 were adopted, Connecticut would become a national outlier as the only jurisdiction in the nation to impose a third-party tort liability on employers for the future misconduct of their former employees.

**Susan Bradford:** She opposes this bill stating it would impose overbroad requirements with respect to health data and minors' privacy, it would fail to advance meaningful privacy protections while undermining the benefits of the Internet for all consumers.

**Mark Buse, Senior VP of Global Policy, Match Group:** He opposes this bill stating that it assumes all people use online dating services to do bad things, focuses too harshly exclusively on the online dating sector, and the language of the bill is so vague that it makes it impossible for Match and other companies to comply.

**Art Corey, General Counsel, Connecticut Bankers Association:** He opposes this bill stating the potential employer liability associated with it could have the unintended consequence of preventing an employer from writing a reference letter or to make any positive statement regarding any employee to a future employer.

**Eric George, President, Insurance Association of CT:** He opposes this bill stating the language in section 13 is too vague, and it diverges from privacy considerations, instead making an employer liable in certain instances concerning the employer providing a positive recommendation to one of its employees if the employer 'knew' of certain behavior of such employee.

**Jim Heckman, General Counsel, CT Realtors:** He opposes this bill stating the organization is supportive of data privacy legislation but finds that section 13 of the bill is related to employment practice and not data.

**Christopher Oswald, EVP for Law, Ethics, & Govt. Relations, Digital Advertising Alliance:** He opposes this bill stating its provisions would provide ineffective protections for Connecticut consumers and impose cumbersome requirements on a wide variety of businesses unrelated to the desired aims of the bill.

**Alex Spyropoulos, Regional Policy Manager, CCIA:** He opposes this bill, stating: 'consumer health data' should be more narrowly defined; restrictions on the use of geofencing should depend on the consumers choice to consent; restricting access to the internet for children could restrict their access to supportive online communities; and different age groups operate differently online and therefore warrant different treatment.

**Christopher Gilrein, Executive Director, TechNet:** He opposes this bill stating its overbroad definitions and aggressive data deletion requirements will negatively alter the consumer experience and could inadvertently restrict the very services this legislation intends to protect.

**Andrew Kingman, Counsel, State Privacy & Security Coalition:** He opposes this bill stating it is unnecessary because just last year Connecticut passed a comprehensive privacy law which is set to go into effect on July 1. Many companies have devoted the last year to working tirelessly to comply with the new provisions of said bill, spending hundreds of millions of dollars operationalizing it.

**Tim Phelan, President, CT Retail Network:** He opposes this bill stating the language in which consumer healthcare data is described is overly broad and unspecific, which could therefore be misinterpreted to include retailers and retail transactions far beyond what consumers think of as involving health care data.

**Reported by:** Riley St. Pierre

**Date:** April 3, 2023