



April 17, 2019

The Honorable Marc Berman
California State Capitol, Room 6011
P.O. Box 942849
Sacramento, CA 94249-0024

**Re: AB 1564 – as introduced
OPPOSE**

Dear Assemblymember Berman:

We write to express our concern about AB 1564. Despite making what seems, at first glance, minor changes to the California Consumer Privacy Act (CCPA), the bill would have a significant impact on the ability of many Californians to exercise their rights under the law. Respectfully, we must oppose this bill as written.

This bill would eliminate the requirement that a covered business provide two or more designated methods for submitting requests for information. Instead, the bill would allow a business to include *either* a toll-free telephone number or an email address (and require an email address when the business operates a website).

AB 1564 would hurt communities already disadvantaged due to their lower levels of online access. In 2017, nearly a third of senior Americans aged 65+, and a third of adults with less than a high-school education reported that they do not regularly use the internet.^{1 2} Similarly, roughly three-in-ten adults with household incomes below \$30,000 report not owning a smartphone, and even fewer adults in that income bracket have access to desktop or laptop computers.³ In contrast, more than 95% of Americans have access to a cell-phone.⁴

¹ <https://www.pewinternet.org/2017/05/17/technology-use-among-seniors/>

² <https://www.pewresearch.org/fact-tank/2018/03/05/some-americans-dont-use-the-internet-who-are-they/>

³ <https://www.pewresearch.org/fact-tank/2017/03/22/digital-divide-persists-even-as-lower-income-americans-make-gains-in-tech-adoption/>

⁴ <https://www.pewinternet.org/fact-sheet/mobile/>

The CCPA is built on a foundation that relies on consumers to affirmatively assert their rights to opt out of 3rd party tracking, and to access, download, or delete their personal information. The CCPA was drafted to make that process as easy as possible, requiring at least two points of contact to ensure that user rights can actually be meaningfully exercised. For the thousands of Californians that struggle with online access, removing the ability to call a business directly will only ensure that they are unable to assert their privacy rights.

This bill would introduce unnecessary barriers of access, disproportionately affect under privileged communities, and make it harder for Californians to make use of the protections and rights provided in the CCPA. For these reasons we must respectfully oppose.

Sincerely,

Sean McLaughlin, Executive Director, Access Humboldt

Kevin Baker, Legislative Director, ACLU of California

Katharina Kopp, Ph.D. Deputy Director, Director of Policy, Center for Digital Democracy

Ariel Fox Johnson, Senior Counsel for Policy and Privacy, Common Sense Kids Action

Susan Grant, Director of Consumer Protection and Privacy, Consumer Federation of America

Matthew Erickson, Executive Director, Digital Privacy Alliance

Lee Tien, Senior Staff Attorney and the Adams Chair for Internet Rights, Electronic Frontier Foundation

Tracy Rosenberg, Executive Director, Media Alliance

Lou Katz, Member, Oakland Privacy

Emory Roane, Policy Counsel, Privacy Rights Clearinghouse

Cc: Members and Committee Staff, Assembly Privacy and Consumer Protection Committee