



March 1, 2021

Senator Wil Schroder
Chair of Senate Economic Development, Tourism and Labor
Capitol Annex, Rm 209
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Frankfort, KY 40601
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Committee Staff Administrator, Andrew Manno
Senate Standing Committee Economic Development, Tourism and Labor
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Opposition to SB 190

Dear Chair Schroder and Committee Members:

On behalf of CTIA®, the trade association for the wireless communications industry, I write in opposition to SB 190. SB 190 prohibits the sale, sharing, or exchange of data on a connected device without opt-in consent and also sets requirements regarding digital advertisements without express consent. SB 190 is unnecessary, would add to the further fragmentation of consumer privacy laws, and raises particular concerns because it is technology-and sector-specific.

CTIA and its member companies strongly believe that consumer information should be protected and that consumers should be given choices with respect to when and how their information is used. Mobile providers currently obtain the affirmative opt-in consent of their wireless consumers before using or sharing subscribers' precise location information – with limited exceptions for emergency situations and appropriate legal process. This is consistent with the Federal Trade Commission's (FTC) Privacy Framework and with other federal laws and regulations, which generally require telecommunications carriers to obtain opt-in consent prior to sharing mobile call location information. The FTC regularly brings enforcement actions against companies that have misrepresented consumer control regarding collection and use of data.¹

¹ See, e.g., *In the Matter of InMobi Pte Ltd., a private limited company*. F.T.C. June 22, 2016. 3:16-cv-03474; *In the Matter of Nomi Technologies, Inc., a corporation*. F.T.C. September 3, 2015. 132-3251; *In the Matter of Goldenshores Technologies, LLC, a limited liability company, and Erik M. Geidl, individually and as the managing member of the limited liability company*. F.T.C. March 31, 2014. 132-3087.



Consumer privacy protections should apply consistently across all industry sectors, and protections should be consistent for any given type of information. SB 190 applies to a specific type of information – cookies related to location and personal information – collected through an application on a connected device, by an application developer or website operator. SB 190 is unfairly limited to the collection of one type of data in the online ecosystem – something that consumers are unlikely to understand or expect.

SB 190 is unnecessary because federal and state authorities already have the authority to bring enforcement actions against companies that collect online data in a deceptive or unfair manner. For over 20 years, the Federal Trade Commission (FTC) has developed and enforced an effective privacy framework that applies to all players in the internet ecosystem. The FTC is an active consumer privacy enforcer. It has brought over 500 enforcement actions protecting consumer privacy. In addition, the Kentucky Attorney General already has the authority to address unfair or deceptive acts or practices relating to consumer privacy under the Commonwealth’s consumer protection laws.

Privacy issues are better addressed with a holistic approach and at the federal level, so that the law does not apply differently to different types of data or on a patchwork, state-by-state basis, or favor one business model over another. A comprehensive approach will lessen any unintended consequences and provide consistent consumer protections. For these reasons, CTIA respectfully opposes this legislation. Thank you for your consideration.

Sincerely,

Director, State Legislative Affairs

Cc: Senator Whitney Westerfield
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