



April 2, 2021

The Honorable Ed Chau, Chair
Privacy and Consumer Protection Committee
Room 162, Legislative Office Building
1020 North Street
Sacramento, CA 95814

Re: AB 825 (Levine, Personal information: data breaches: genetic data)—Support

Dear Chair Chau:

Consumer Reports and Privacy Rights Clearinghouse write in support of AB 825. We are strong proponents of public policy that bolsters consumers' privacy and their individual right to choose who accesses their data and for what purposes. It is within this framework that we support this bill, which would expand the definition of personal information in California's data breach notification and data security statutes to include genetic data. This bill would require companies to adopt reasonable security measures to protect this data from unauthorized access, and provides companies with strong incentives to comply.¹

Genetic data clearly warrants strong security protections, particularly in light of the plethora of data breaches in recent years, including a recent security breach involving customer genetic data at GEDMatch in July of last year.² Companies need incentives to safeguard the data: in 2019, the genetic-testing startup Veritas, which uses DNA data to identify potential health risks, suffered a data breach involving unauthorized access to consumer data.³ In 2018, the ancestry site MyHeritage, which collects DNA data, disclosed that they left email addresses and hashed

¹ This bill would require companies to keep genetic data secure from hackers; another bill introduced in the legislature this year, SB 41, would provide additional protections, including limiting companies' use and sharing of genetic data without the consumers' permission.

² Zach Whittaker, *GEDMatch Confirms Data Breach After Users' Profile Data Made Available to Police*, TECHCRUNCH (July 22, 2020), <https://techcrunch.com/2020/07/22/gedmatch-investigating-dna-profile-law-enforcement/>.

³ Zach Whittaker, *DNA Testing Startup Veritas Genetics Confirms Data Breach*, TECHCRUNCH (Nov. 7, 2019), <https://techcrunch.com/2019/11/07/veritas-genetics-data-breach/>.

passwords unprotected on a server.⁴ Aside from the inherent privacy interest in keeping this information secure, if this data becomes publicly available due a data breach, it could potentially be accessed by others and used to discriminate against consumers.⁵ For example, access to long-term care insurance can be impacted by the results of genetic testing.⁶

For these reasons, we respectfully urge your support of this measure.

Respectfully submitted,

Maureen Mahoney, Senior Policy Analyst, Consumer Reports
Emory Roane, Policy Counsel, Privacy Rights Clearinghouse

cc: The Honorable Marc Levine
Members, Assembly Privacy Committee
Landon M. Klein, PhD, Consultant

⁴ Makena Kelly, *MyHeritage Breach Leaks Millions of Account Details*, THE VERGE (Jun. 5, 2018), <https://www.theverge.com/2018/6/5/17430146/dna-myheritage-ancestry-accounts-compromised-hack-breach>

⁵ Angela Chen, *Why a DNA Data Breach Is Much Worse than a Credit Card Leak*, THE VERGE (Jun. 6, 2018), <https://www.theverge.com/2018/6/6/17435166/myheritage-dna-breach-genetic-privacy-bioethics>.

⁶ Cal. Ins. Code § 10233.2. Under the prohibited provisions governing long-term insurance, prohibiting the use of genetic information is not mentioned, and neither genetic testing nor genetic information is referenced.