



April 20, 2022

The Honorable Martin M. Looney, President Pro Tempore  
The Honorable Bob Duff, Majority Leader  
The Honorable Kevin C. Kelly, Minority Leader  
Connecticut State Senate  
Hartford, CT 06106

Re: SB 6 (An Act concerning personal data privacy and online monitoring) – SUPPORT

Dear President Pro Tempore Looney, Majority Leader Duff, and Minority Leader Kelly,

Consumer Reports<sup>1</sup> writes in support of SB 6. Though the collection and monetization of Connecticut consumers' personal data has dramatically expanded over the last thirty years, consumers have almost no say over whether their information will be shared by a company with countless others. This important proposal will help protect Connecticut consumers' privacy online by extending the right to know the information companies have collected about them, the right to delete that information, and the right to stop the disclosure of certain information to third parties, with additional rights for sensitive data.

New protections are long overdue: consumers are constantly tracked, and information about their online and offline activities are combined to provide detailed insights into a consumers' most personal characteristics, including health conditions, political affiliations, and sexual preferences. This information is sold as a matter of course, is used to deliver targeted advertising, facilitates differential pricing, and enables opaque algorithmic scoring—all of which can lead to disparate outcomes along racial and ethnic lines.

Privacy laws should set strong limits on the data that companies can collect and share so that consumers can use online services or apps safely without having to take any action, such as opting in or opting out. We recommend including a strong data minimization requirement that

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<sup>1</sup> Founded in 1936, Consumer Reports (CR) is an independent, nonprofit and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the U.S.

limits data collection and sharing to what is reasonably necessary to provide the service requested by the consumer, as outlined in our model bill.<sup>2</sup> A strong default prohibition on data sharing is preferable to an opt-out based regime which relies on users to hunt down and navigate divergent opt-out processes for potentially thousands of different companies. Consumer Reports has documented that some California Consumer Privacy Act (CCPA) opt-out processes are so onerous that they have the effect of preventing consumers from stopping the sale of their information.<sup>3</sup>

But in the absence of strong data minimization requirements, at the very least, consumers need tools to ensure that they can better exercise their opt-out rights, such as a global opt out, which will be provided by this measure. We appreciate that SB 6 requires companies to honor browser privacy signals as a “Do Not Sell” signal. Privacy researchers, advocates, and publishers have already created a “Do Not Sell” specification, the Global Privacy Control (GPC),<sup>4</sup> which could help make the opt-out model more workable for consumers.<sup>5</sup>

In addition, we support several other key provisions in the bill:

- *Authorized agent rights.* We also appreciate that the bill allows consumers to delegate to third parties the ability to submit opt-out requests on their behalf—allowing for a practical option for consumers to exercise their privacy rights in an opt-out framework. Consumer Reports has already begun to experiment with submitting opt-out requests on consumers’ behalf, with their permission, through the CCPA’s authorized agent provisions. We found that consumers are enthusiastic about this option.<sup>6</sup> Authorized agent services can be an important supplement to platform-level global opt outs.
- *No verification requirement for opting out.* Appropriately, while identity verification is required for access, deletion, and correction requests, it is not required to opt out. Consumers shouldn’t have to verify their identity, for example by providing a driver’s license, in order to opt-out of targeted advertising. Further, much of the data collected

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<sup>2</sup> *Model State Privacy Act*, Consumer Reports (Feb. 23, 2021),

<https://advocacy.consumerreports.org/research/consumer-reports-model-state-data-privacy-act/>.

<sup>3</sup> Maureen Mahoney, *California Consumer Privacy Act: Are Consumers’ Rights Protected*, Consumer Reports (Oct. 1, 2020), [https://advocacy.consumerreports.org/wp-content/uploads/2020/09/CR\\_CCPA-Are-Consumers-Digital-Rights-Protected\\_092020\\_vf.pdf](https://advocacy.consumerreports.org/wp-content/uploads/2020/09/CR_CCPA-Are-Consumers-Digital-Rights-Protected_092020_vf.pdf).

<sup>4</sup> Global Privacy Control, <https://globalprivacycontrol.org>.

<sup>5</sup> Press release, *Announcing Global Privacy Control: Making it Easy for Consumers to Exercise Their Privacy Rights*, Global Privacy Control (Oct. 7, 2020), <https://globalprivacycontrol.org/press-release/20201007.html>.

<sup>6</sup> Ginny Fahs, *Putting the CCPA into Practice: Piloting a CR Authorized Agent*, Digital Lab at Consumer Reports (Oct. 19, 2020),

<https://medium.com/cr-digital-lab/putting-the-ccpa-into-practice-piloting-a-cr-authorized-agent-7301a72ca9f8>; Maureen Mahoney et al., *The State of Authorized Agent Opt Outs Under the California Consumer Privacy Act*, Consumer Reports (Feb. 2021), [https://advocacy.consumerreports.org/wp-content/uploads/2021/02/CR\\_AuthorizedAgentCCPA\\_022021\\_VF\\_.pdf](https://advocacy.consumerreports.org/wp-content/uploads/2021/02/CR_AuthorizedAgentCCPA_022021_VF_.pdf).

online (including for targeted advertising) is tied to a device and not an individual identity; in such cases, verification may be impossible, rendering opt-out rights illusory.

- *Prohibition on dark patterns.* We appreciate that the measure would include a prohibition on dark patterns—deceptive user interfaces that can lead consumers to take actions they didn’t intend, including to share more personal information. This is important to ensure that opt-in consent for the processing of sensitive information is meaningful. Too often, companies often use dubious dark patterns to nudge users to click “OK,” providing the veneer, but not the reality of, knowing consent.<sup>7</sup>
- *Data security requirements.* The measure would create new categories of personal information, and the bill appropriately requires companies to use reasonable security protocols to safeguard the confidentiality and integrity of covered information.
- *Sunset on the right to cure.* We also appreciate that the “right to cure” provision in administrative enforcement will expire. This “get-out-of-jail-free” card ties the AG’s hands and signals that a company won’t be punished for breaking the law.

For these reasons, we support SB 6 and urge your aye vote.

Sincerely,

Maureen Mahoney  
Senior Policy Analyst

cc: Members, Connecticut State Senate

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<sup>7</sup> *Most Cookie Banners are Annoying and Deceptive. This Is Not Consent*, Privacy International (May 21, 2019), <https://privacyinternational.org/explainer/2975/most-cookie-banners-are-annoying-and-deceptive-not-consent>.