



April 16, 2024

Chair Thomas Umberg
Vice Chair Scott Wilk
Judiciary Committee
California Senate
1021 O Street, Room 3240
Sacramento, CA 95814

Re: SB 1076 (Wilk) – *OPPOSE*

Dear Chair Umberg and Vice Chair Wilk,

On behalf of Consumer Reports,¹ I am writing in strong opposition of SB 1076, legislation to amend the California Delete Act. SB 1076 is legislation backed by the very entities whose harmful practices were addressed by the Delete Act and who now seek to undermine critical consumer protections by making it harder for individuals to delete their personal information from their services. The committee should reject this legislation in its entirety.

Last year, the California legislature acted decisively to confront the risks posed by data brokers, whose business model is to collect and sell personal details about people, typically without their knowledge or explicit consent. Data brokers amass personal dossiers on almost every American that include thousands of data points, including extremely granular information about their family, behavior online, personal preferences, and companies' inferences about them.² This information is then sold and resold, and often used for marketing and potentially for other purposes, eroding consumers' basic expectation of privacy in the process.³

¹ 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.

² See, e.g., Joseph Cox, *The Secret Weapon Hackers Can Use to Dox Nearly Anyone in America for \$15*, 404 Media (Aug. 22, 2023), <https://www.404media.co/the-secret-weapon-hackers-can-use-to-dox-nearly-anyone-in-america-for-15-tlo-usinfo-search-transunion/>;
Douglas MacMillan, *Data Brokers are Selling Your Secrets. How States are Trying to Stop Them*, Wash. Post (Jun. 24, 2019), <https://www.washingtonpost.com/business/2019/06/24/data-brokers-are-getting-rich-by-selling-yoursecrets-how-states-are-trying-stop-them/>.

³ Big Data, *A Big Disappointment for Scoring Consumer Credit Risk*, Nat'l Consumer Law Ctr. at 15-16 (Mar. 2014), <https://www.nclc.org/images/pdf/pr-reports/report-big-data.pdf>.

The Delete Act makes it simple for consumers who do not want their information collected, sold, or retained by these types of entities to express their preferences via a universal deletion mechanism to be created by the California Privacy Protection Agency (CPPA). Beginning in 2026, consumers that don't want to be tracked by data brokers will be able to automatically communicate this preference to hundreds of the state's registered data brokers in a single click.

Unsurprisingly, data brokers now wish to second-guess the legislature and claw back the protections earned in the Delete Act. For example, in multiple sections of the bill,⁴ data brokers seek the ability to "directly contact" consumers that have requested universal deletion of their information. In practice, this would allow brokers to bombard consumers with hundreds of emails in response to a universal deletion request, which would effectively undermine the entire point of the universal deletion mechanism established in the Delete Act: to create a single, easy to use point of entry to manage their privacy. Elsewhere, (Section 2(C)(2)(a)(i)), SB 1076 seeks to make it optional for brokers to treat unverified deletion requests as opt-out requests, ignoring the logic of the Delete Act that if a consumer is unable or unwilling to, for example, share their driver's license with the data broker in order to verify their identity, their request should at least be processed as an opt-out of future sales of that data.

Data brokers also seek to preempt the CPPA's rulemaking authority to implement the Delete Act, using specious concerns about "fraud" as a cover story. The bill attempts to institute identity verification standards more preferential to data brokers, despite the fact that the Delete Act and CCPA already regulate against potential fraud⁵ and abuse in multiple ways.⁶ The bill also places a number of burdens on authorized agents, entities created to help consumers complete the already cumbersome rights requests process under CCPA⁷ (such as Consumer Reports' free service, Permission Slip). The sponsors claim these restrictions are intended to reduce the possibility of an authorized agent deleting a consumer's information without their consent, but that scenario (however speculative) is already forbidden by law. The legislature should let the CPPA set the standards, not the entities that have a vested interest in completing as few deletion requests as possible.

For the reasons listed above, we oppose SB 1076 and urge the committee to oppose it as well.

Sincerely,

Matt Schwartz
Policy Analyst
Consumer Reports

cc: The Honorable Members of the Senate Judiciary Committee
Christian Kurpiewski, Chief Consultant

⁴ Section 2(b)(8)(H) and Sections 2(b)(11)

⁵ See Delete Act, Section 2(a)(1)

⁶ See Delete Act, Section 2(b)(2-3)

⁷ Maureen Mahoney, California Consumer Privacy Act: Are Consumers' Rights Protected, Consumer Reports (October 1, 2020),

https://advocacy.consumerreports.org/wp-content/uploads/2021/05/CR_CCPA-Are-Consumers-Digital-Rights-Protected_092020_vf2.pdf

Senator Scott Wilk