

April 13, 2022

The Honorable Krista M.Z. Griffith
State Representative, 12th District
Legislative Hall
411 Legislative Avenue
Dover, DE 19901

Dear Representative Griffith:

The Delaware State Chamber of Commerce along with the undersigned associations representing thousands of Delaware businesses, nonprofits and their employees are writing to express our concerns regarding **House Bill 262**, The Data Broker and Consumer Protection Act. We appreciate your willingness to engage in dialogue on this important issue and thank you for your willingness to engage in dialogue with stakeholders on this important issue.

Rarely does a piece of legislation impact so many sectors of our business and nonprofit communities. This legislation would affect small businesses, some in the financial services industry, the health care sector, nonprofit organizations, the tech industry, the credit reporting industry, political parties, political campaign committees, political action committees and others.

We note with appreciation the introduction of **House Amendment 1 to House Bill 262**, which includes a number of important definitions, narrows the private right of action included in the bill, and excludes entities regulated under the Gramm-Leach-Bliley Act from the definition of “Data market participant.” However, we respectfully submit that additional amendments are necessary to accomplish the goal of providing transparency for consumers and accountability for entities which sell or license consumer data, while avoiding duplicative or unnecessary regulation, or undue civil liability for responsible actors.

Additionally, the public sector is the largest collector of consumer data. The Division of Motor Vehicles engages in the sale and licensing of consumer data, yet they are exempted from the provisions of HB 262 (line 49). To the extent that public agencies sell or license such data, they should be subject to the same regulation as private entities.

In a government setting, people are compelled to provide data to obtain a license to drive, practice law, fish, or cut hair. They’re compelled to provide that personal information, or they don’t receive the state authority to drive, work, or engage in recreation which is a much different experience in the private sector. If a consumer doesn’t like the data practices of one retailer, pizza shop, or cell phone provider, they have options to go elsewhere.

We will follow this letter with continued communication with you to seek agreement on amendments that will accomplish the goal of providing transparency for consumers and accountability for entities which sell or license consumer data, while avoiding duplicative or unnecessary regulation.

Thank you for your consideration of our concerns.

Sincerely,



Michael J. Quaranta
President, Delaware State Chamber of Commerce

Central Delaware Chamber of Commerce

Consumer Data Industry Association

Delaware Alliance for Nonprofit Advancement

Delaware Business Roundtable

Delaware Restaurant Association

Georgetown Chamber of Commerce

Internet Coalition

New Castle County Chamber of Commerce

Rehoboth Beach-Dewey Beach Chamber of Commerce

State Privacy and Security Coalition

TechNet