



Sen. Robert Hertzberg and Assemblymember Ed Chau  
Room 4038  
State Capitol  
Sacramento, CA

June 25, 2018

Assemblymember Ed Chau  
Room 5016  
State Capitol  
Sacramento, Ca

**RE: Support AB 375 as amended (Hertzberg and Chau)**

Dear Senator Hertzberg and Assemblymember Chau,

Consumer Watchdog supports the compromise AB 375 bill because – though not perfect – the bill would provide substantial improvements in privacy protection for Californians. California’s Constitution guarantees the right to privacy, but existing law offers too few provisions to enforce that right. AB 375 makes substantial steps toward providing real ways to protect our privacy rights. The bill, written to replace the California Consumer Privacy Act ballot initiative, would ensure:

- The right of Californians to know what personal information is being collected about them.
- The right of Californians to know whether their personal information is sold or disclosed and to whom.
- The right of Californians to say no to the sale of personal information.
- The right of Californians to access their personal information.
- The right of Californians to equal service and price, even if they exercise their privacy rights.

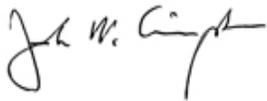
Importantly the bill provides for statutory damages and a right to private action in the event of a data breach. While there are some limits on the private action right, no provision for any private right of action exists in current data breach law.

The bill provides business can’t deny service because you won’t allow information to be sold. They could charge more, but any such charge cannot be: “unjust, unreasonable, coercive or usurious.” Also, the difference in price or service must be “directly related to the value provided to the consumer by the consumer’s data.”

Currently there are no protections that would ensure service if you refuse to have your data sold. Under AB 375, if a charge is levied, it will make the practice transparent so consumers understand what is at stake. Additionally, we expect the attorney general to implement regulations that will protect consumers from predatory practices.

AB 375 is not perfect but is a substantial forward step for privacy protection in California. Consumer Watchdog supports the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with the first name "John" being the most prominent.

John M. Simpson, Privacy and Technology Project Director

Cc: Senate Judiciary Committee, Assembly Privacy and Consumer Protection Committee