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INNOVATION ECONOMY

NetChoice

Internet Association

STATE PRIVACY AND SECURITY COALITION

February 20, 2018

Honorable Matt Claman, Chair
House Judiciary Committee
Alaska State Capitol
Room 118
Juneau, AK 99801

Re: HB 328, The Biometric/Geolocation Information Bill

Dear Chairman Claman:

The undersigned associations represent hundreds of the country's leading technology companies in high-tech manufacturing, computer networking and information technology, clean energy, life sciences, Internet media, ecommerce, education, and sharing economy sectors. Our member companies are committed to advancing public policies and private sector initiatives that make the U.S. the most innovative country in the world.

Biometrics and geolocation are new and exciting fields, offering consumers easy access to payment mechanisms, organization tools, hands-free activation technologies and valuable location-based services and features, and much more.

We urge you not to advance HB 328, your bill related to biometric and geolocation information. We are concerned that it is too broadly worded, could unintentionally hamper user experiences with burdensome notice and consent requirements, would disrupt many harmless conveniences that users have come to expect online, is unnecessary and offers no real or effective consumer protections.

We understand that it is challenging to regulate such complex areas in a balanced way while still allowing for innovation to flourish and protecting consumers from harm. We believe as drafted, this bill would create a categorical ban on private entities receiving biometric or location information from a device without forcing industry to put users through a burdensome consent process. Precise biometric and geolocation information that is linked to a specific individual should be treated appropriately, but since companies would have to obtain consent for the many positive and innocuous uses of biometric and location-based data under this bill, it would force companies to flood consumers mailboxes and mobile devices with annoying, disruptive and likely useless notices and consent requests.

That would impact a multitude of valuable and widely used services including “find my device” features and most applications involving photographs, free public wifi and mapping/navigation services. Other services that help people organize or make their lives easier could be disrupted or essentially banned by this bill, including products and services designed to provide critical services to those with developmental or physical disabilities. For example, someone that is hearing-impaired may rely on voice-recognition technology to stay independent, mobile, working or effectively communicating with others. Thousands of geolocation-based business models would be disrupted and/or limited such as valuable ridesharing, education, tourism, urban planning and telework applications.

Location controls are already strong, and most major mobile apps have privacy policies that users can view before and during their use of the service as well as device location controls regarding what apps can collect location information and what information they can collect. These policies are enforceable by the Attorney General and the Federal Trade Commission.

Since HB 328 contains broad and problematic definitions, would interrupt consumers’ online experiences, is unnecessary, and would hinder businesses and deter innovation, we ask that you please not advance it.

Instead, we invite you to work with industry to craft a well-thought out, narrowly defined biometric and geolocation law that would adequately solve a specific issue, provide remedies in an effective way but one that is flexible enough to allow for innovation to flourish and avoids limiting an entire segment of data.

Sincerely,

Internet Coalition
Internet Association
CompTIA
State Privacy & Security Coalition
TechNet
Netchoice

cc: House Judiciary Committee members