



March 21, 2018

The Honorable Matt Claman, Chair  
House Judiciary Committee  
Alaska State House of Representatives  
State Capitol  
Juneau, AK 99801

**Sent by email:** Representative.Matt.Claman@akleg.gov

**Re: Protecting Alaskans' Privacy: ACLU of Alaska Support for HB 328**

Dear Chair Claman, Vice-Chair Kreiss-Tomkins, and Members of the House Judiciary Committee:

The ACLU of Alaska supports House Bill 328. Ongoing technological developments enable private entities to obtain Americans' increasingly precise geolocational information and biometric data, such as fingerprints and facial scans. Without the right protections in place, private entities can access this data with disturbing ease and use it for commercial purposes. With the breaking news about Cambridge Analytica and the revelation that people could consent to release not just their own data, but the private personal data of all of their Facebook friends as well, makes privacy protections like these all the more important.<sup>1</sup>

And much of this private data is vulnerable to hacking. For example, the Samsung Galaxy S8 allows users to unlock their cell phone by scanning their iris, a biometric identifier that would be protected in HB 328. But hackers have already broken Samsung's iris recognition software.<sup>2</sup> And databases storing log in information are hacked regularly,<sup>3</sup> leading to identity theft.<sup>4</sup> Unlike passwords, which are easily changed, people can't change biometric identifiers like their fingerprints or irises.

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<sup>1</sup> Matthew Rosenberg & Sheera Frenkel, *Facebook's Role in Data Misuse Sets Off Storms on Two Continents*, NEW YORK TIMES (Mar. 18, 2018) <https://www.nytimes.com/2018/03/18/us/cambridge-analytica-facebook-privacy-data.html>.

<sup>2</sup> Dan Goodin, *Breaking the iris scanner locking Samsung's Galaxy S8 is laughably easy*, ARS TECHNICA (May 23, 2017) <https://arstechnica.com/information-technology/2017/05/breaking-the-iris-scanner-locking-samsungs-galaxy-s8-is-laughably-easy/>.

<sup>3</sup> April Glaser, *Biometrics Are Coming, Along with Serious Security Concerns*, WIRED (March 9, 2016) <https://www.wired.com/2016/03/biometrics-coming-along-serious-security-concerns/>.

<sup>4</sup> *Identity Theft*, <https://www.usa.gov/identity-theft>.

Without notice and consent, people will not know how their own private information is collected, who can access it, and how it is used.

HB 328 works to combat these threats to Alaskans' privacy: it provides valuable protections for Alaskans that will require private entities that collect geolocation and biometric data to inform Alaskans that their private information is being collected and will require consent before collecting it.

But Facebook and other companies are trying to kill this bill.<sup>5</sup> Facebook works through CompTIA, an industry group, to defeat bills that would give users more control over how their likenesses are used or whom they are sold to.<sup>6</sup> In 2016 alone, Facebook spent over \$9.3 million in its lobbying efforts nationally.<sup>7</sup> Facebook developed an inhouse facial recognition project, DeepFace, which has access to photos of 2 billion monthly users and all the friends in photos they upload. Essentially, according to a DeepFace engineer, this is "a system that could recognize the entire population of Earth."<sup>8</sup> Without regulations in place, Facebook can do whatever it wants with this data without telling its users.

We appreciate the opportunity to testify about HB 328 with the House Judiciary Committee and urge the Committee to support this bill. It would allow Alaskans to preserve the privacy they rely on, even as informational technology continues to advance and potentially encroach deeper into people's private lives.

Sincerely,



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Legal Fellow

cc: Vice Chair Kreiss-Tomkins, Representative.Jonathan.Kreiss-Tomkins@akleg.gov  
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<sup>5</sup> Jared Bennett, *Facebook: Your Face Belongs to Us*, THE DAILY BEAST (July 17, 2017) <https://www.thedailybeast.com/how-facebook-fights-to-stop-laws-on-facial-recognition>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*