

TELECOMMUNICATION, SCIENCE, AND TECHNOLOGY

Resolution TST-19-18

A RESOLUTION ENCOURAGING STRONGER AND CONSISTENT CONSUMER DATA PRIVACY PROTECTIONS ACROSS THE INTERNET ECOSYSTEM

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that the internet is a critical tool that empowers users, drives innovation, facilitates economic opportunity, and otherwise serves as a vital tool for social interaction, self-expression, and community organizing;

WHEREAS, the internet is increasingly fundamental to our democracy and to full participation in American life, allowing the government to be more open, transparent, accountable, responsive, and citizens to be more engaged and relevant in decision-making processes;

WHEREAS, minority communities and younger adults are among the most active and intense users of the internet and social media services, positioning them as the most immediate beneficiaries of innovative new services;

WHEREAS, use of online services like social media, e-commerce platforms, and search providers entails the collection of significant amounts of personal information, a practice that supports targeted advertising, which allows many internet-based companies to offer their services online at no or a lower cost to the consumer;

WHEREAS, the scope of such data collection is oftentimes unknown to users, with the details buried within terms of service agreements and privacy policies that are too long and too complex to be understood by the average user;

WHEREAS, internet-based companies have significant economic incentives to gather as much personal information about users as possible in an effort to better target online advertisements, a service for which advertisers are willing to pay a premium;

WHEREAS, online data collection techniques include not only the collection of personal information evident from a user's interaction with a particular website or service on a specific device, but also, in many cases, the tracking of a user across other websites, services, and devices;

WHEREAS, if misused, personal information could be used to discriminate against people of color, immigrants, and other vulnerable communities;

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WHEREAS, events over the last few years have made clear that the data collected and monetized by companies online is vulnerable to hacking and misuse;

WHEREAS, public opinion polls have observed growing support for the regulation of internet-based companies' data collection practices and privacy protections;

WHEREAS, policymakers at every level of government have begun examining how best to protect consumer online data by, among other things, detailing proposed specific rights and protections regarding the information shared, wittingly and unwittingly, by consumers when online and offline;

WHEREAS, there is a growing consensus that Congressional action on a bipartisan and technology-neutral basis is needed to provide a national framework that ensures all Americans can participate freely and safely in the internet ecosystem;

WHEREAS, legislation must be comprehensive to assure that online users have a consistent and predictable set of privacy rights and expectations regardless of the services they are using or the type of entity that is collecting their data; and

WHEREAS, requiring every entity in the internet ecosystem - including internet service providers, social media and electronic commerce platforms, search providers, software developers, operating systems, data brokers, and device manufacturers - to follow the same rules is critical to assuring such consistency and predictability.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) affirms that permanent, comprehensive, bipartisan federal legislation is necessary to assure a thriving internet ecosystem;

BE IT FURTHER RESOLVED, that federal legislation must apply equally across the ecosystem and include, among other things, requirements regarding the maintenance of sufficiently understandable data collection disclosures and privacy policies; the enumeration of affirmative consumer rights regarding their online data; safeguards to police against discriminatory activities that might arise from the misuse of personal information; and

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BE IT FINALLY RESOLVED, that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, State Attorneys General, and other federal, state, and local government officials as appropriate.

SPONSOR: Senator Valencia Seay (GA)

**Committee of Jurisdiction: Telecommunications, Sciences and,
Transportation Policy Committee**

**Certified by Committee Chair(s): Senator Valencia Seay (GA) and Senator
Anastasia Pittman (OK)**

Ratified in Plenary Session: Ratification Date is November 30, 2018

Ratification is certified by: Representative Gregory W. Porter (IN), President