



Campaign for a Commercial-Free Childhood

July 7, 2017

The Honorable Ed Chau
Chair, Assembly Committee on Privacy and
Consumer Protection
State Capitol, Room 5016
Sacramento, CA 95814

RE: AB 375 (CHAU) – California Broadband Internet Privacy Act
POSITION: SUPPORT

Dear Assemblymember Chau:

Campaign for a Commercial-Free Childhood (CCFC) is a national non-profit, headquartered in Boston, which works to support parents' efforts to raise healthy families by limiting commercial access to children and ending the exploitive practice of child-targeted marketing. More than 5,400 California residents are members of CCFC and support the organization's mission.

I am writing in support of AB 375, the California Broadband Internet Privacy Act, to ensure that children and all internet users enjoy transparency and security in the treatment of their personal information when accessing the internet through an Internet Service Provider (ISP). This bill is a strong step toward protecting children and all internet users in California who have been vulnerable since Congress and the Trump administration gutted the FCC's federal privacy regulations earlier this year.

Internet Service Providers (ISPs) have access to a wealth of information about users. Web browsing and application usage histories contain extremely intimate information that can provide insight into a person's beliefs, preferences, and potential future activities. The need for protections is especially great concerning children, because marketers are intensely interested in targeting children and adolescents when they are online. For instance, a media group called the Coalition for Innovative Media Measurement has initiated a project to "make possible a thorough and comprehensive view of cross-platform, digital and mobile measurement of content and ads among children and teens aged 2 to 17."¹ Today's generation of children are particularly vulnerable to online targeted advertising because they will be the first to have a digital footprint for their entire lives. Research has consistently shown that children are already more vulnerable to advertising, because they lack the cognitive capacity to identify advertising, understand its purpose and defend against it.² If ISPs are permitted to use children's web browsing and app

¹ CENTER FOR DIGITAL DEMOCRACY, *Big Data is Watching: Growing Digital Data Surveillance of Consumers by ISPs and Other Leading Video Providers* (Mar. 2016) at 41, <https://www.democraticmedia.org/sites/default/files/field/publicfiles/2016/ispbigdatamarch2016.pdf>

² Children's Television Report and Policy Statement, 50 FCC 2d 1, 5 (1974). See generally Angela J. Campbell, *Rethinking Children's Advertising Policies for the Digital Age*, 29 LOY. CONSUMER L. REV. 1 (2016)

usage data to market directly to children, or to sell this information to others for marketing, advertisers have a much greater ability to take unfair advantage of children.

AB 375 seeks to restore what Washington stripped away. It broadly protects customers' personally identifiable information through an opt-in consent requirement for the use, sale, and sharing of personal information, beyond service delivery and other necessary functions. It also prohibits "pay-for-privacy" practices and penalties for customers who do not consent to unnecessary uses, and requires providers to protect customer information through reasonable security procedures and practices.

Californians should have the right to make important decisions regarding their privacy and their children's privacy. It is time for consumers to regain control over how their personal information is used and shared by ISPs, and for children to have protection for their personal information related to internet and app use.

For these reasons, Campaign for a Commercial-Free Childhood offers its strong support to AB 375.

Sincerely,

David Monahan
Campaign Manager
Campaign for a Commercial-Free Childhood
617-896-9397
david@commercialfreechildhood.org

CC: Members, Senate Committee on Business, Professions and Economic Development
Members, Senate Committee on Energy, Utilities and Communications
Members, Senate Committee on Judiciary