

June 13, 2019

Governor Janet Mills
1 State House Station

Augusta, ME 04333

Via E-mail: governor@maine.gov

CC: Jonathan Moynahan, Deputy Director of Constituent Services, Jonathan.Moynahan@maine.gov

Dear Governor Mills,

The undersigned national public interest, civil rights, and business advocacy organizations write to express our concerns regarding the legislation recently enacted in Maine – LD 946, “An Act to Preserve the Privacy of Online Customer Information.” Privacy risks threaten all consumers and come from many sources across the internet. We understand the desire of states to quickly take action to protect their residents, but we also have serious concerns that half-measures will only result in consumer confusion and harm. LD 946 is certainly well-intentioned, but it is unfortunately an incomplete effort that will fail to protect online consumer privacy. We urge you to take action next session to enact comprehensive online privacy legislation that will truly protect all citizens in Maine.

The recently passed Maine law does not offer consumers real protections online because it only imposes privacy restrictions on internet service providers (ISPs). However, ISPs are only one part of the online ecosystem. Other online companies – such as social media networks, data brokers, search engines, mobile apps, and website providers – have built their businesses around the use of consumers’ personal information. It is these entities that have been the subject of multiple reports and investigations for misusing consumers’ personal information in the United States and around the world. Maine’s new law cannot be effective when it does not address the main source of the privacy problem.

Moreover, by imposing privacy restrictions on only one segment of the online ecosystem, LD 946 increases the risk of consumer confusion. Consumers should not have the burden to differentiate between which privacy restrictions apply to which online entities depending on where they go on the internet. The same privacy restrictions should apply to the *entire* online ecosystem.

In today’s digital age, data privacy is a critically important issue. The growth of the digital economy, while allowing for limitless possibilities across our country’s diverse cultural landscape, has not come without its share of serious consequences. New threats of financial and identity theft, algorithmic bias, data-driven discrimination, and other risks, make it more critical than ever for consumers to understand and control how their data is collected, used, and disclosed. Low-income Americans and other marginalized groups are particularly vulnerable to the damage caused by misuse of their personal information, and they often lack the informational and financial resources necessary to recover. Moreover, as all consumers’ fears of online privacy threats rise, so does their wariness to use the technology available to them, hindering efforts to encourage broadband adoption and close the digital divide.

With all this in mind, we continue to believe that the best way to protect consumer privacy is through a national privacy framework that covers consumers everywhere they go online – regardless of where they live or do business. However, now that Maine has acted, it should take immediate steps to ensure that its law actually targets the source of the privacy problem online and won’t disadvantage vulnerable populations such as those we represent. We hope that you will revisit this recently passed legislation in favor of a comprehensive and uniform approach that ensures consumers’ privacy rights are protected consistently and meaningfully, across all platforms, and everywhere they visit online.

Sincerely,

Multicultural Media, Telecom and Internet Council (MMTC)
National Organization of Black County Officials (NOBCO)
National Puerto Rican Chamber of Commerce
OCA – Asian Pacific American Advocates