

Angel's Testimony in Opposition to H7787 "RI Data Transparency and Privacy Protection Act"

3/27/2024

To the House Committee on Innovation, Internet, & Technology,

My name is Angel Lopez and I attest my biometric information is not for sale. All the views expressed by me today are entirely my own. For some context, I would like to share with all of you that the Flint Water Crisis was caused because a third party was allowed to influence the decision makers of Flint to switch to a local water source. The General Motors Engine Plant had the ability and power to switchback to the previous water source via a neighboring water system to prevent further corrosion of the engine blocks they were producing. All of us reading this today know the residents of Flint were not so lucky.

I write this in opposition to House Bill 7787 because the bill is bad for Rhode Islanders. The bill will legalize the growth and empowerment of "Controllers." A term used to describe the person(s) that will determine the purpose and means of processing personal data for their affiliates, processors, and third-party contractors.

There is a lot of talk that the H7787 is about safe online activities and ensuring the privacy of our data, but when I read the definition of "Biometric Data" on page 2, I can't think of any website that I currently utilize that wants to share or sell my unique characteristics or biological patterns. Especially, if the biometric data captured is utilized to authenticate my access to the website. If Zuckerberg or Musk decided to only allow access to Facebook and twitter solely by authenticating Biometric Data, this bill would give both those social media platforms the title of "Controller." This bill, if enacted, will allow both platforms to regulate their own use of the collected Personal data of Rhode Islanders and give them the power to sell those log-in credentials. The only exempt individuals would be those users who are able to revoke their consent...

Unless, if one of those Social Media platforms gets bought out or sold. Page 5 lines 9-11 explain that a merger, acquisition, or bankruptcy will allow Personal, Biometric, and sensitive data to be considered an asset, thus transferrable to a third party.

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There are other examples of privacy gaps that will impact the residents of Rhode Island if this bill becomes law. For instance, definition #15 on page 3 does not describe an "identified or identifiable individual" as an individual who gave consent.

Definition 21 the activity of Profiling, not only includes biometric data, but also sensitive data such as religious beliefs, sex life, sexual orientation, data collected from a child, or location data.

There is a clause (e) on Page 6 that exempts any Authority, or any state agency, but does not restrict a controller from processing information for the Police or political party. That clause goes beyond any website I can imagine and has me thinking about the photos of devices on the telephone poles I have been circulating around the General Assembly since 2019.

The impact on a child given the federal statute referenced in the bill would declare that a 13-year-old can decide to revoke or provide their consent, but the guardian of an individual has the final say. What implication will this bill have on teenagers in the DCYF system who are considered under guardianship until 18 years old in most cases.

A customer loses their right to revoke their consent or request their data if that information reveals a controller's "Trade Secret" RI G.L. § 6-41 includes a "process" within the definition of a trade secret. My request to remove, correct discrepancies, or request to locate where my data is and who it was shared with, will be denied in full or partially because of where and how my data may have been captured and who my data was shared with. Both reasons are considered trade secrets of the controller.

House Internet, Innovation, & Technology Committee Members, the business model of the private enterprises that want to engage in Public Private Partnerships with this state and its municipalities must not include processes or tactics for gentrification, red-lining, or influencing decisions that do not benefit the public. Those types of trade secrets will go unacknowledged and unaddressed in this new market this bill is aiming to create.

Moving on to my review of the Controller and Processor Responsibilities Section, I noticed the controller dictates the activities of the processors and decides on the assessment

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tasks undertaken by the assessors. The assessors have to be approved by the controller and there could never be an independent assessment requested by the residents (all of your constituents) or the Attorney General. Any assessment may be reviewed by the "AG," only if pertaining to a current investigation. However, the assessment must remain private and conversation between the Controller and AG must be regarded as client attorney privilege and not subject to Access of Public Records Requests.

Also, assessments will not occur with data collected this year or any previous year, thus the leaders of this state will not learn about or from any violations prior to January 1, 2025. In addition, I discovered that the mechanisms and practices that dictate how a controller stores information may be used as a reason to deny a customer's request. The same customer request may also be denied if the customer data is categorized as used for research and development.

Lastly, the Violations section states that there is NO authority for a resident or organization to challenge a controller in court which leaves the residents and all your constituents at the mercy of the controllers.

In conclusion, H7787 is bad for Rhode Islanders. There is little residents can do to influence this law once passed, since there are more protections for the controllers and their affiliates than for the residents who live here. If this bill is enacted as is, our last line of defense will be the Attorney General, but today our frontline defense is all of you. Hold House Bill 7787.

"Public Health is Public Safety."

Thank You for taking the time to read this.

Sincerely,

Angel Lopez  
*Resident of Providence*