



Assembly Bill (AB) 375 – California Broadband Internet Privacy Act

Sponsor: Author

SUMMARY

AB 375, the California Broadband Internet Privacy Act, ensures that consumers enjoy choice and transparency in the treatment of their personal information when accessing the internet through an Internet Service Provider (ISP).

BACKGROUND

Americans highly value their privacy, especially on the internet. A 2014 PEW Research Center study found that 91% of adults agree that “consumers have lost control over how personal information is collected and used by companies.”¹ The same study found that 64% of Americans believe that the government should do more to regulate what advertisers do with their personal information.

After several years of effort, the Federal Communications Commission (FCC) issued new rules in 2016 to give broadband (high-speed) internet consumers increased control over their personal information. These rules required that ISPs inform customers clearly about their online privacy options, and generally require the consumer to opt-in to the unnecessary use and sharing of their personal information. However, before the FCC internet privacy rules went into effect, Congress repealed the regulations and President Trump signed the repeal on April 3, 2017.

According to a Huffington Post/YouGov poll taken on March 31, 2017, 74% of Americans believed that President Trump should veto the bill that repealed FCC regulations of ISPs². There was also consensus across party lines, with 80% of Democrats and 75% of Republicans supporting the idea of a veto to allow the privacy rules to go into effect. The poll also reported that 83% of Americans think that telecom

and cable companies should not be allowed to share personal information about customers without getting customers’ permission. Since the April 2017 repeal of the FCC rules, the reaction has been swift and strong: the National Conference on State Legislatures reports that at least twenty states have introduced internet privacy legislation in response³.

SOLUTION

- AB 375 would require that ISPs get opt-in consent from consumers in order to use, disclose or permit access to sensitive customer personal information for reasons other than providing the service.
- It prohibits providers from charging a consumer a penalty, offering a discount, or refusing to provide service, based on the consumer’s consent decision.
- Authorizes providers to access customer personal information without consent under specific circumstances, such as to provide internet services, to engage in first-party marketing, for legal and law enforcement compliance, for cybersecurity and fraud prevention, and for emergency services.
- Applies only to internet service providers, and not to websites or mobile applications themselves, commonly referred to as “edge providers.”
- Delays implementation to January 1, 2019.

SUPPORT

Organizations:

Access Humboldt
ACLU of California
Asian Americans Advancing Justice
Asian Food Trade Association
Asian Pacific Policy & Planning Council
Calegislation

¹ Pew Research Center, November 2014 “Public Perceptions of Privacy and Security in the Post-Snowden Era”

<http://www.pewinternet.org/2014/11/12/public-privacy-perceptions/>

² Huffington Post, “Even Trump Voters Hate the Bill He Just Signed” 4/3/17 http://www.huffingtonpost.com/entry/trump-online-privacy-poll_us_58e295e7e4b0f4a923b0d94a

³ National Conference on State Legislatures “Privacy Legislation Related to Internet Service Providers.” 6/6/17

<http://www.ncsl.org/research/telecommunications-and-information-technology/privacy-legislation-related-to-internet-service-providers.aspx>



Assemblymember Ed Chau – District 49

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CalPIRG
California Alliance for Retired Americans
California Association of Competitive Telecommunications Companies (CALTEL)
California Center for Rural Policy
California Low-Income Consumer Coalition
Campaign for a Commercial-Free Childhood
Center for Digital Democracy
Center for Democracy and Technology
Center for Media Justice
Chinese American Community Affairs Council
Chinese Consolidated Benevolent Association
Color of Change
Common Sense Kids Action
Consumer Action
Consumer Assistance Council
Consumer Federation of America
Consumer Federation of California
Consumers Union
Consumer Watchdog
Credo Mobile
Cruzio Internet
Digital Privacy Alliance
Electronic Frontier Foundation
Friends of the Chinese American Museum
Golden Pacific Foods, Inc.
Hocean Inc.
Media Alliance
New America's Open Technology Institute
New Japan International, Inc.
Oakland Privacy
Online Trust Alliance
Organization of Chinese Americans
Pacific Internet
Privacy Rights Clearinghouse
Public Law Center
Roxy Trading, Inc.
Sonic
Spiral Internet
Tekify
Telnexus
The Utilities Reform Network (TURN)
Unwired Ltd.
Wilson Creek Communications
YHS Trading (USA) Inc.

Hon. Mark DeSaulnier, Congressman, CA 11th District
Hon. Anna Eshoo, Congresswoman, CA 18th District
Hon. John Garamendi, Congressman, CA 3rd District
Hon. Jared Huffman, Congressman, CA 2nd District
Hon. Ro Khanna, Congressman, CA 17th District
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Hon. Doris Matsui, Congresswoman, CA 6th District
Hon. Jerry McNerney, Congressman, CA 9th District
Hon. Grace Napolitano, Congresswoman, CA 32nd District
Hon. Jimmy Panetta, Congressman, CA 20th District
Hon. Jackie Speier, Congresswoman, CA 14th District
Hon. Mark Takano, Congressman, CA 41st District
Hon. Mike Thompson, Congressman, CA 5th District
Hon. Maxine Waters, Congresswoman, CA 43rd District
Hon. Edwin M. Lee, Mayor, City of San Francisco
Scott Jordan - Past Chief Technologist of the Federal Communications Commission

BILL STATUS

Amended September 12, 2017.
Pending referral from the Senate Rules Committee.

FOR MORE INFORMATION

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