



Software & Information Industry Association (SIIA)
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Chair Adam Ebbin
Virginia Senate Committee on General Laws and Technology
General Assembly Building
Senate Room B
201 N. 9th Street
Richmond VA 23219

Chair Ebbin:

On behalf of the Software & Information Industry Association (SIIA), I write to provide comments on SB769, a bill to amend and reenact, Section 59.1-578 of the Virginia Consumer Data Protection Act, related to controller privacy notice, cookies, and consumer consent.

SIIA is the principal trade association for those in the business of information, including its aggregation, dissemination, and productive use. Our members include roughly 375 companies reflecting the broad and diverse landscape of digital content providers and users in academic publishing, education technology, and financial information, along with creators of software and platforms used worldwide, and companies specializing in data analytics and information services.

SIIA supports privacy as a fundamental value, one essential to individual autonomy and a functioning democracy. We believe that data privacy standards that harmonize meaningful consumer safeguards with appropriate business compliance will ensure smooth implementation of data privacy practices. SIIA appreciates continued refinement to the existing VA Consumer Data Protection Act. We have concerns that the refinements proposed in SB769 will not provide meaningful protections to Virginia consumers and could undermine the objectives of the Act.

- **Consumer Fatigue and Bad Customer User Experience**

SB769 would require a method to opt out of automatic placement of cookies and require disclosure about the use of cookies. Cookie consent banners are now virtually ubiquitous because of requirements of European Union (EU) law. Years of practice have demonstrated consumer fatigue and annoyance with cookie consents, which consumers typically click through to access content. This has led to consumer confusion, making it difficult for consumers to differentiate between consent required for general use versus sensitive data. To the extent Virginia lawmakers believe that consumers should have more robust understanding of how their data may be used, we would encourage consideration of alternative approaches to the one presented in SB769.

- **Inconsistent with Other State Approaches**

SIIA strongly advocates for a consistent approach to comprehensive privacy across the 19 existing state privacy laws. This draft would differ fundamentally from the other 19 states' laws without adding meaningful any consumer protection. Virginia was on the forefront of passing a comprehensive privacy law. The addition of this provision does little to enhance privacy protections for consumers in the state and simply adds burdens for businesses of all sizes.

SIIA thanks you for your time and consideration in this important matter. Please reach out to Abigail Wilson, State Policy Manager, with any additional questions. We look forward to continued involvement in the Commonwealth.

Best,

Abigail S. Wilson

Cc/ Sen. McDougle, Patron

