

## Utah HB 550

## OPPOSITION TESTIMONY

February 27, 2024

### **Utah House of Representatives House Economic Development and Workforce Services Committee**

NetChoice respectfully asks that you **oppose** HB 550, legislation which would unnecessarily result in massive data collections on Utahns.

While well-intentioned, HB 550 would put Utah residents' privacy and data at risk, leaving them vulnerable to breaches and crime. Today, virtually every major social media website allows users to edit and delete their posts regardless of age. Likewise, they allow users to delete their entire accounts. A simple internet search makes it easy to find out how to do this.

Unfortunately, the heavy handed governmental approach of HB 550 would provide no gain to users and all pain as they are forced to turn over highly sensitive information to a website to achieve the same goals they can today. This is because in order for a website to identify if a user is under 16, it would require essentially perfect age verification for every resident in the state.

*In order for a website to identify if a user is under 16, it would require essentially perfect age verification for every resident in the state.*

This would represent a data collection of the most sensitive personal information ever seen in the state. As a matter of policy and data security, it would be unwise to implement the strategy.

HB 550 provides no guidance to manufacturers about how they must go about determining the age of users. Nor does the bill provide any guidance about what to do with that information once it has been obtained. To avoid violating the law, websites will be left wondering whether their chosen method of age determination is sufficient to avoid liability. Websites will be incentivized to *retain* their users' sensitive information to show the state that they have either complied with the filtering requirements or to

demonstrate that the user in question was not a minor. Any time sensitive information is retained, it becomes a prime target for identity thieves and other nefarious actors.

Indeed, even if the bill forbade the retention of such sensitive information, that would be of little comfort. First, there is no guarantee that such data would *actually* be deleted. And second, any requirement to collect data raises concerns over security. Criminals and identity thieves are actively looking for any opportunity to exploit sensitive personal information for their own ends. As we know from recent experience, any time sensitive information is collected it becomes a prime target for criminals and bad actors. Even government agencies have fallen victim to these attacks.

We share the sponsor's goal to better protect minors from harmful content online. NetChoice members have taken issues of teen safety seriously and in recent years have rolled out numerous new features, settings, parental tools, and protections to better empower parents and assist in monitoring their children's internet activities. We ask that you oppose HB 550 and instead use this bill as a way to jumpstart a larger conversation about how best to protect minors online and consider alternatives that do not raise such privacy issues.

\* \* \* \*

Again, we respectfully **ask you to oppose HB 550**. As always we offer ourselves as a resource to discuss any of these issues with you in further detail, and we appreciate the opportunity to provide the committee with our thoughts on this important matter.<sup>1</sup>

Sincerely,

Carl Szabo  
Vice President & General Counsel, NetChoice

*NetChoice is a trade association that works to protect free expression and promote free enterprise online.*

---

<sup>1</sup> The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.