

NetChoice *Promoting Convenience, Choice, and Commerce on The Net*

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April 1, 2013

Rep. Linda Harper-Brown, Chair
House Committee on Government Efficiency & Reform
Texas Legislature

RE: **Opposition to HJR 112 - Constitutional amendment regarding consumer information**

Dear Chairwoman Harper-Brown and members of the committee:

We encourage you to reject HJR 112 because it would create unintended and troubling consequences for Texas businesses and employees of Texas state agencies.

This constitutional amendment would require that state employees and those interacting with the state give written affirmative consent before the state can receive, retain (and thereby reveal) data that Texas citizens and businesses rely on today.

Obtaining written consent to receive and reveal consumer-related data would add significant burdens on everyday economic activities that benefit Texans today. Moreover, this burden could become a barrier if publicity surrounding the constitutional ballot gives Texans the impression that they should *never* consent to state collection of their data. Please consider just these five examples:

- *A Texan wants to sell farm real estate to a state agency. The agency would naturally want to assess market value of the property by researching prior sales, but HJR 112 prohibits the state from receiving data on "purchasing history" without written consent of all prior purchasers.*
- *A Texas agency wants to perform a title search for existing liens on property it's seeking to acquire, but HJR 112 prohibits the state from receiving information about "outstanding indebtedness" without written consent of all prior owners.*
- *A business wants to hire a Texan who was previously employed by a Texas state agency. It's only prudent to validate salary history for a prospective employee, but the state would not have that kind of data if the employee had not consented to let the state store data on her "personal income".*
- *A Texas entrepreneur seeks a loan from the state's economic development authority, but the state can't "receive" data on her employment or credit history without first getting written consent.*
- *A Texas bank wants to make a consumer loan to an employee of a Texas state agency, but the bank can't validate employment data without previous authorization for the state to store data on "personal income" and "creditworthiness".*

We appreciate you considering our views, and please let me know if I can provide further information.

Sincerely,

A handwritten signature in black ink that reads "Steve DelBianco".

Steve DelBianco

Executive Director, NetChoice

NetChoice is a coalition of e-Commerce businesses. More information at www.netchoice.org