



August 29, 2023

To The Members of the California State Assembly:

The U.S. Chamber of Commerce strongly supports the protection of individual privacy and strong national privacy legislation. We oppose, however, SB 362, the “DELETE Act,” as it would have detrimental and cascading impacts on businesses and non-profits of all sizes.¹

The DELETE Act would create a universal system that would allow users to delete personal information retained by all companies defined as “data brokers.” Unfortunately, SB 362 would deprive consumers of important services and benefits and would conflict with existing law, including the California Consumer Privacy Act. As written, although consumers may believe they would only delete data retained by data brokers, the bill’s mass deletion mechanism would impair the ability of businesses with whom consumers directly interact to enhance customer service, prevent fraud, and facilitate loyalty programs. Non-profit organizations would also be deprived of data necessary to support and expand their charitable programs.

The inability to collect data would have a significant impact on many businesses. According to a recent survey by the Chamber, 91 percent of California small businesses reported that data-driven platforms helped them compete with larger companies and nationally 80 percent indicated losing access to data would harm their operations.²

The DELETE Act would also impose costly audit requirements on companies but fails to establish necessary standards. Without such standards, impacted companies would lack certainty on how to comply.

Finally, the DELETE Act would harm consumers and businesses by empowering so-called “authorized agents” to make deletion requests on behalf of Californians without verification of consumer permission. As structured, this provision of the bill would incentivize a cottage industry of privacy trolls and could enable nefarious

¹ See Data for Good: Promoting Health, Safety, and Inclusion (The report highlighted how secondary uses of data enhanced public safety including facilitating the apprehension of the San Bernardino shooters.) Available at https://americaninnovators.com/wp-content/uploads/2020/01/CTEC_DataForGood_v4-DIGITAL.pdf.

² See Empowering Small Business: The Impact of Technology on Small Business. Available at <https://americaninnovators.com/wp-content/uploads/2022/08/Empowering-Small-Business-The-Impact-of-Technology-on-U.S.-Small-Business.pdf>.

actors to delete valuable data used to combat fraud without transparency or oversight.

We encourage you to oppose SB 362, the DELETE Act.

Sincerely,

A handwritten signature in black ink that reads "Jordan Crenshaw". The signature is written in a cursive style with a long horizontal flourish at the end.

Jordan Crenshaw
Senior Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce

Cc: Governor Newsom, Members of the California Senate