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The Honorable Cyrus Western
Chair
Select Committee on Blockchain,
Financial Technology and Digital
Innovation Technology
Wyoming Legislature
200 West 24th Street
Cheyenne, WY 82001

The Honorable Chris Rothfuss
Chair
Select Committee on Blockchain,
Financial Technology and Digital
Innovation Technology
Wyoming Legislature
200 West 24th Street
Cheyenne, WY 82001

Re: CDIA Public Comment on Draft Bill 24LSO-0107 - Data privacy-state

Dear Co-Chairs Western and Rothfuss, and Honorable Members of the Select Committee on Blockchain/Technology:

On behalf of the Consumer Data Industry Association (CDIA), we are providing this letter in response to the Committee's consideration of Draft Bill 24LSO-0107 which seeks to implement state data privacy legislation. Although CDIA appreciates the intent of the legislation, the broad language of Working Draft 0.3 could negatively impact the provision of state services to Wyoming citizens.

CDIA, founded in 1906, is the trade organization representing the consumer reporting industry, including agencies like the three nationwide credit bureaus, regional and specialized credit bureaus, background check companies and others. CDIA exists to promote responsible data practices to benefit consumers and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

Although we recognize the critical importance of protecting personal data held by government entities, the broad nature of proposed section 9-21-202(c) could have the unintended impact of prohibiting the exchange of personal data that is necessary to facilitate effective and efficient government services for Wyoming citizens. For instance, a prohibition on the "purchase" of personal data by government entities does not recognize the reality that oftentimes government entities do not have all the personal data necessary to properly administer programs. In many cases, government entities rely on information provided by third parties including, for example, to prevent fraud by verifying the identities of applicants for public benefits programs or to help determine benefit eligibility.

Additionally, although proposed section 9-21-202(c) permits the exchange of personal data without the written consent of the individual "as…provided by statute or executive order", this language does not consider relevant federal laws that authorize or require such an exchange. The above-mentioned issues could be resolved with the following language:

> *(c) No government entity shall purchase, sell, trade, or transfer personal data without the express written consent of the natural person except <u>where authorized or required by state or federal law or</u> as otherwise expressly permitted by statute or executive order.*

The committee should consider aligning the definition of "publicly available information" with that adopted by states with comprehensive consumer privacy laws. Not only would this create alignment between state privacy laws, regardless of whether the law applies to public or private entities, it would also ensure that the proposed legislation passes first amendment constitutional muster. Below is the suggested definition:

> *"Publicly available information" means information that is lawfully available from federal, state, or local government records or widely distributed media; or information that a person has a reasonable basis to believe has lawfully been made available to the public.*

Thank you for the consideration of our comments. Should you have any question I would be happy to answer them.

Sincerely,

Sarah M. Ohs
Vice President of Government Relations