

May 11, 2021

The Honorable Kurt Olson
Chair, House Labor and Commerce
Alaska State Capitol - Room 24
Juneau, AK 99801

The Honorable Shelley Hughes
Vice-Chair, House Labor and Commerce
Alaska State Capitol - Room 30
Juneau, AK 99801

Re: Recommendation to Continue Study of HB 159 Before Proceeding

Dear Representative Olson and Representative Hughes:

MPA – The Association of Magazine Media, recognizes the importance of privacy legislation that balances foundational consumer privacy protections with businesses’ needs to operationalize the legislation’s requirements. In order to achieve that balance, MPA respectfully urges the Alaska legislature to conduct further study on the impact of HB 159 to the Alaska economy before proceeding.

MPA’s membership includes more than 500 magazine media brands that span a vast range of genres across print, digital, mobile and video media. Our members provide trusted, edited and curated content that informs, inspires and entertains more than 90 percent of all U.S. adults. Alaskans receive more than 550,000 magazine subscriptions each year, representing an average of 2.2 subscriptions per household. Our readers depend on our publications for reliable news and information – needed by society now more than ever.

We respectfully raise the following concerns with HB 159:

First, consumers benefit from privacy legislation only when it can be successfully implemented by businesses.

Unfortunately, the definitions included in HB 159 differ dramatically from all other state laws in the nation, and in practice, make the law difficult for businesses to operationalize. For example:

- HB 159 introduces an over-inclusive right to opt out of collecting personal data that is not seen in other state privacy legislation. It is critical to include exceptions for processing data for key, expected business functions to allow businesses, including magazine publishers, to deliver the services and products expected by consumers. Without such an exception, consumers are negatively affected if they inadvertently opt-out of all processing when they instead meant to take another action.
- HB 159 contains burdensome consent requirements for businesses using service providers for standard, expected data processing. Because this would apply to normal businesses services like accounting, IT help and fraud prevention, this provision has an outsized cost and risk effect on small and medium-sized businesses who are more likely to use service providers for routine operations and are cost-sensitive.

Second, as currently drafted, HB 159 would allow a broad private right of action that would have a negative impact on businesses, including magazine publishers. A broad private right of action creates a significant risk of damaging financial outcomes and can lead to overcaution by companies in using consumer data in useful, productive ways that consumers support. Indeed, these specific concerns caused the Florida legislature to suspend consideration of their consumer privacy bill in favor of further study.

Magazine publishers recognize that consumers benefit from strong data privacy protections and that consumer privacy protections can be effective without inhibiting consumers' ability to connect with magazines and access content they value.

For these reasons, MPA urges the Alaska legislature to work with stakeholders to resolve operational issues, including those outlined above, before proceeding with its consideration of HB 159 or a similar bill next session.

Please let me know if we can answer any questions.

Respectfully submitted,

Emily Emery
Director, Digital Policy
MPA – The Association of Magazine Media

CC: Representative Neal Foster, Co-Chair, House Finance Committee
Representative Kelly Merrick, Co-Chair, House Finance Committee

Representative Matt Claman, Chair, House Judiciary Committee
Representative Liz Snyder, Vice-Chair, House Judiciary Committee