

February 16, 2021

The Honorable Richard L. Saslaw  
Senate Majority Leader  
Pocahontas Building E602  
Richmond, VA 23218

The Honorable Thomas K. Norment Jr.  
Senate Minority Leader  
Pocahontas Building E603  
Richmond, VA 23218

The Honorable Eileen Filler-Corn  
Speaker of the House of Delegates  
Pocahontas Building E605  
Richmond, VA 23219

The Honorable Todd Gilbert  
House of Delegates Minority Leader  
Pocahontas Building E601  
Richmond, VA 23219

Re: Enforcement of Virginia's Consumer Data Protection Act (SB 1392, HB 2307)

Dear Senator Saslaw, Senator Norment, Delegate Filler-Corn and Delegate Gilbert:

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. As you consider reconciliation and final passage of the Consumer Data Protection Act, MPA writes to respectfully urge both the Senate and House of Delegates to once again reject any modifications to the current enforcement language, including any efforts to amend the bill with a broad private right of action.

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. Virginians receive nearly 6 million magazine subscriptions, representing an average of 2 subscriptions per household. Our readers depend on our publications for reliable news and information – needed by society now more than ever. Further, magazines are an important part of the Virginia economy, and are part of the arts, sports and media industry that employs more than 50,000 people in Virginia. In addition, the magazine industry supports thousands of indirect and induced jobs in Virginia.

Including a broad private right of action in the Consumer Data Protection Act would have a negative impact on businesses, including magazine publishers, by creating a significant risk of damaging financial outcomes and requiring overcaution in using consumer data in useful, productive ways that consumers support, all while creating a regulatory requirement that in practice fails to provide any additional privacy protections for consumers. The Virginia legislature should again recognize that enforcement by the Attorney General is in the best interest of consumers.

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. The threat of private lawsuits could undermine readers' access to the trusted, insightful, meaningful, and world-changing content they expect while imparting no tangible improvements to consumer data privacy.

Respectfully submitted,

Brigitte Schmidt Gwyn  
President & CEO

Emily Emery  
Director, Digital Policy

CC: Senator David W. Marsden  
Delegate C.E. Hayes Jr.