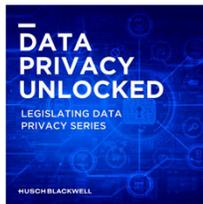


## Data Privacy Unlocked: Legislating Data Privacy Series



**Episode 6 –**  
**Data Privacy Unlocked: A Conversation with Joseph Duball of IAPP**  
August 17, 2021

Speaker	Statement
<b>David Stauss</b>	<p>The emergence of broad state consumer privacy legislation has been one of the dominant stories in privacy law since at least June 2018, when California lawmakers passed the California Consumer Privacy Act in response to Alastair Mactaggart’s ballot measure. State lawmakers have jumped into the void created by the absence of federal privacy legislation and tackled this complicated issue. In 2021 alone, lawmakers in 27 states proposed CCPA-like privacy legislation. Given the importance of these issues we decided to launch a limited podcast series exploring proposed state privacy legislation.</p> <p>Our guest today perhaps needs no introduction for those in the privacy professional space. He is Joe Duball, staff writer at the IAPP. I poached from his IAPP bio and it says he helps produce content for the IAPP’s Daily Dashboard, European Dashboard Digest, Canada Dashboard Digest and Asia-Pacific Dashboard Digest. Additionally, Joe contributes original reporting for the Privacy Advisor. Joe, thank you for joining us today.</p>
<b>Joe Duball</b>	<p>Dave, thank you for having me, sir. One thing that I realize is, again, we’re on camera with each other. This is the first time Dave and I have actually been face-to-face through all of our time spent together on state privacy law, and it’s a big moment for us.</p>
<b>David Stauss</b>	<p>It is. It’s sort of... I mean, given COVID, we were talking about all the impact that COVID had before we jumped on in our pre-meeting. But yeah, but given COVID, this is the first time. We’ve texted a lot. We’ve</p>



Speaker	Statement
	called a lot.
<b>Joe Duball</b>	There were plenty of texts. Rightfully so with everything going on.
<b>David Stauss</b>	I'd be remiss if I didn't start by sort of... I mean, you know, you've tried the podcast series and you know this all, and I would imagine listeners do as well. I mean, we've talked... To date, we've talked with state lawmakers. That was really the focus of it. And as we were, you know, going along I thought, you know, we've got to have Joe on this. And the reason being is, I mean, you are the guy who covers this topic, state privacy legislation for the IAPP, and I venture to say, you know, the guy who is covering this, you know, internationally the most, right? I don't think you would dispute that. There's no reason to.
<b>Joe Duball</b>	I mean, I'm not going to fight that necessarily. I'm not also going to stake my claim to it because I'm sure there are plenty of others out there that I've seen that have done a good job of coverage. But, I can't say that I haven't dedicated myself over the last seven, eight months through these legislative sessions to really, you know, I guess, focusing my efforts on state privacy law to ensure that, you know, our membership here at the IAPP is aware of what's going on out there as far as developments on the state level.
<b>David Stauss</b>	Yeah, and you know... We're going to talk about a lot. But we talked about how we want to kind of approach discussion. It was let's talk about what happened in 2021 and let's kind of talk about what we think is going to happen in 2022. Because, I have to say, you know, if anybody's out there and, you know, if there's one fundamental principle on what Joe and I have learned this past year of covering state privacy legislation it's you've got to be willing to be wrong a ton.
<b>Joe Duball</b>	Absolutely. The admission of being wrong or being, you know, off on something is absolutely huge. I mean, you can go and tweet something as sure as you want to be, but at the same time you've got to be equally as able and willing to come back with a reply on your own tweet saying, "Oh, well, I need to add this" or, you know, "I may have been a little wrong on this," because, you know, as Dave kind of alluded to, these legislatures are all different. They have different methods and processes and everything. We just got totally lost in all this. Throughout the year it was just a very confusing, you know, winding road of, "Okay, is it passed? Are we done with committee work?" You know, there was just a lot there that we couldn't necessarily untangle on our own and I think that's why Dave and I work so well together as well. You know, we're sitting there able to, you know, bounce things off of each other and then kind of even go outside and talk to different people and colleagues that



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	<p>we have to, you know, get information off of as well. So, I mean, I think more than anything through all this it's been a collaborative effort. Again, I will never stake a claim to doing something on my own because, I mean, a lot of people who are listening to this probably are people that have helped us, helped me, helped you a lot.</p>
<b>David Stauss</b>	<p>Yeah, and I think that's... I mean, a good example of that's probably, like, Connecticut, right? I mean, we thought it was dead because it was dead. And then all of a sudden you start hearing whatever random warning it was about, "Hey, you know, they split it into a special session bill, right?" And so, all this time we're trying to figure out what the heck is going on. And I think you're reaching out to the AG's office. I think you're reaching out to Maroney. I think I've been trading emails with him about the podcast before that, right? And then, all of a sudden, like, everything went silent for a little while. And so, we're trying to figure out what the heck is going on and we get all wrapped up in it, and then I spend, you know, hours that night listening to committee hearings. You did the same. You know, I'm in debt for some two hours behind you. So that was also a benefit. Like, man, you could go to sleep and I could stay awake... And vice versa. And then it's nothing. It just sort of, like, it dies, right?</p>
<b>Joe Duball</b>	<p>Right.</p>
<b>David Stauss</b>	<p>But I think it's a great point. I'd like to, you know... Talk about your, sort of, methodology about, you know, who you are reaching out to, to keep up to speed. Like this collaborative process. Obviously you and I did a ton together, but, like, what was your life like trying to track all these bills?</p>
<b>Joe Duball</b>	<p>As I mentioned to you from the get-go, I think one of the big helpers was – and you'll never hear anyone say this, but – COVID-19 was a help in this instance because I was, you know... Throughout our various levels of lockdown and everything that went on over these last eight months here in New Hampshire I was confined to the house and really was able to dig my heels in on a lot of this stuff, which meant kind of watching Twitter like a hawk and just kind of picking up what was going on and everything like that. And then, on top of that, just various sources that kind of reached out to me and pointed out things that are happening. You know, journalist code here can't name those sources, of course. I have to keep that on the DL. But generally speaking, you know, there were people reaching out to me, you know, pointing to different developments.</p> <p>But also, I think it was just an effort to kind of look at each status on these, you know, pieces of legislation online to see where we are in the</p>



**Speaker****Statement**

process, and one great helper was obviously the Husch Blackwell map of all the privacy legislation and proposals that were out there for 2021. I was clicking on those links constantly to kind of get back to where I needed to be and was able to bookmark everything through that and then just kind of cycling through and seeing what was there. And, you know, if there was a committee hearing that I was able to listen to, I listened to it. And, you know, if it was worthwhile to write about, I wrote about it. But for the most part, you know, if you sit there and you take the time, you're going to gather one thing or another out of it, whether it's, okay, this is just a procedural thing or, okay, this is something that actually matters and probably, you know, at least for my readership they would want to read about. So that's when I would act on a story or something like that – when things got real and in committee.

**David Stauss**

I usually wait until the end of my podcast for the shameless plug for the Husch Blackwell stuff, so I do appreciate you sliding that in early so I don't have to wait until people tune out.

You mentioned Twitter and I'll tell you, you know, it's kind of night and day about, you know, trying to track these things because Twitter moves at the speed of typing, right? And, you know, we'd be remiss if we didn't mention Joe Jerome, frankly, who was on top of all this stuff, and his Twitter feed was constantly filled with updates. And, like, you just sort of... You sit there... I mean, I remember, like, for instance, writing these weekly updates and, just, you publish them and then you're just crestfallen because five minutes later they're out of date, right?

**Joe Duball**

And he was pumping them out in threads where it was to a point where, again, whether it was new pieces of legislation or him actually giving you, you know, breakdowns of aspects of the bill he did or did not like. You know, that was always helpful. You know, Joe was definitely on top of that. There were some others within the privacy act community that kind of did the same. You know, but like you said, you had to be on top of it because, you know, you miss a thread or something, and you're missing something vital. That's how Twitter moves. It just... If you skip over something, it's going to fall, you know, way down in the thread, especially when you're getting, you know, 10, 12 replies deep like Joe was.

**David Stauss**

Yeah, I think, I think some people at FPF were doing a good job as well. Polly Sanderson was one who was pushing out content on a regular basis. So, I mean, obviously, if you're listening to this podcast and it's of interest to you I'd encourage you to go follow their Twitter feeds.



Speaker	Statement
Joe Duball	<p>Although I wonder, Joe, I mean, Joe's moved on, right? It's look like a different job so we'll see if he's <i>[inaudible]</i> on the advocacy issues remains to be seen. I'd say, you know, I kind of felt like in a really strange <i>covity</i> type way, I felt like we had this sort of community of people on Twitter who were just trying to help one another out in saying this just got pushed out, this just got pushed out – those types of things. Because, you know, I would spend my weekends clicking around on state legislative sites, like doing search terms for privacy and those types of things and just like brutal, you know, day-to-day type stuff. And then, you do it – you'd spend your time doing it – and then I get an email from you or see a tweet from you like an hour later. It says, "This bill just got proposed." I was just on that damn website! It was like, come on, right? It was just, you know... Or, like, these bills would pop up. Like, West Virginia popped up and then the legislature closed, like, a day later. Let's talk about some, some specifics, right? Because let's kind of try to relive what we went through each month.</p>
David Stauss	<p>Oh, goodness. There's just so much. Where do you want to start?</p> <p>I don't know. I mean, it's fun. When you go through memory lane, you're like, Utah! You're like, That's right, Utah, right? Like, Utah was...</p>
Joe Duball	<p>No, it... I'll actually be honest about Utah. That was one that when I'm sitting here, you know, when we're doing our planning and everything for this podcast, I sat there and I said to myself, Which processes, or lack thereof, annoyed me the most? And I think Utah was one of the ones that really irked me, specifically because, kind of like what you were alluding to, we both stayed up and watched some of these committee hearings very late into the night. Or we would watch floor sessions to see if there were votes. I remember a three- to four-day stretch where the Utah legislature – I can't remember if it was the House or the Senate that was considering the bill that they had out there, and I just watched floor sessions to see if they were going to pass something, and every time its number got called, Senator Cullimore sat there and said "pass," and I was like, "Oh, man."</p> <p>It was... And that was after sitting there for at least, you know, it... I would put the floor session on kind of background music and listen in. But I just... It, it rattled me to the point where, again, we got to the end of the session and he passed four times. And then I kind of realized, okay, I just wasted, you know, maybe 90 minutes of my day or whatever kind of sitting here listening to this when I could've been doing other things. And, you know, the other tough part about that was, Utah actually did pass a bunch of privacy-related bills. It wasn't comprehensive</p>



Speaker	Statement
	<p>privacy legislation, but they passed a... I believe it was a DNA privacy bill. They also passed some government privacy stuff that opened up. I believe there's a government privacy officer now that they have installed from the bill that they passed this session. So, you know, that was a frustrating one also in the sense that you can see that there's some states that want to do some stuff on privacy. It's just, you know, what's suitable now as far as the, you know, the topic that it's covering, and the, you know, what the appetite is for lawmakers to actually dive into this.</p>
<p><b>David Stauss</b></p>	<p>But it's funny you mention that sort of, like, sitting there waiting and seeing what will happen. I mean, another good example of that was Washington state, right? Where for some reason they decided to close their legislative session on a Sunday. And it's Pacific time, right? You're... I'm on Mountain, you're on Eastern, right? And you know that there is just a group of, like, hardcore privacy folk just tracking this, like, on the video, right? And they just ended, right? Like the video feed just cut, right when...</p>
<p><b>Joe Duball</b></p>	<p>It was ridiculous.</p>
<p><b>David Stauss</b></p>	<p>Yeah, we were expecting Representative Kloba <i>[inaudible]</i>... We've talked with her. She fantastic. I encourage to you to listen to her and that podcast. But, like, we were expecting this huge debate around the Washington Privacy Act because the House had to consider it and had to pass it, and it just ended. And we were all, like, on Twitter saying, like, "What...what happened?" And so then we started pinging, I don't think... I think you may have done this, where you actually pinged Carlyle's Twitter account, right? And you were like, "Any reaction, @Reuven Carlyle?" And then he basically came out and said something to the effect of, "It's not over until it's over," or something like that. And we were like, Okay. Not sure what that means. It seems like it's over.</p>
<p><b>Joe Duball</b></p>	<p>Right, and again, it proved to be over. That was the other tough part. And I think it's, you know... I don't want to speak for lawmakers or anything, and these are just my own beliefs, but there could've been some posturing. I think that there was a lot of that and not only in Washington, but posturing for the fact that, yeah, it's still there, but, you know, we're probably not going to finish this. I think that that's a real thing that we kind of realized through all this as well.</p>
<p><b>David Stauss</b></p>	<p>Yeah, I think... And sort of, like, the special session was also something that I think... Because remember Virginia, which we haven't talked about yet, passed <i>[inaudible]</i> in special session, right? And so, like, and that was the idea. And then, you know, Connecticut resurfaces in special session. And then, you know, I think that was really always this sort of,</p>



Speaker	Statement
Joe Duball	<p>like, well is something random going to happen because the rules...? I remember in Colorado, which eventually passed it, but they had a deadline on the published calendar that bills had to get out to a committee by a certain time. And the Colorado Privacy Act did not get out by that deadline. It didn't get out anywhere close to that deadline. A month later they scheduled a hearing. And I remember saying, like you were saying, like, "What do you think's happening in Colorado?" And I said, "Well it's, you know, based on the deadlines there's nothing and now we're sitting here. We're the third state with a privacy law, right? So I guess the answer is, like, it's sort of, in this area, if there's anything to be learned about at all, it's, it's, it's chaos. I feel like it's just chaos.</p>
Joe Duball	<p>All of it. It's ever-changing, and, and there's a lot that goes on behind the scenes that we're not privy to ever and, you know, I think that, again, it's just, one little thing can happen within, you know, a room of legislators and something changes. I think it's as easy as that. Something can be said, something can be agreed to, and then it just kind of turns things around, for better or worse.</p>
David Stauss	<p>So, let's throw another state out there: Oklahoma. Alright, did you ever have Oklahoma circled on your privacy law map?</p>
Joe Duball	<p>I mean, I have... I think I was one of the first ones that said – and I wrote this in our US Digest letter months back when we were first going through the processes. I really liked Oklahoma, and I really thought that it was, that after Virginia had passed, I kind of sat there and said, "Maybe I should write something up about, you know, what could be the next shoe to drop." And I kind of put all my chips in on Oklahoma because I believed in, kind of, what the bill had in it. It was really balanced from what I saw, and just the passion that Collin Walke had for privacy was something that I had not stumbled across yet that as far as, you know, what I had heard from people in committee. And, again, I've had conversations with Collin since. And the passion wasn't just in front of the camera or in front of, you know, his colleagues and other legislators. It's real. He's very passionate about this topic and I think if there was more of that, we might even see more bills right now, to be honest.</p>
David Stauss	<p>Yeah, it's an interesting point. You and I have both had time to visit with Collin, and I told Collin back in the... I gave a webinar when, you know, we were doing an update on state privacy law. <a href="#">[inaudible-18.35.4]</a>. <a href="#">Sara??</a> was there from the <a href="#">[inaudible-18:38]</a> was doing this update. And I kind of, you know, pooh-poohed Oklahoma, right? You know, and I was wrong. I told Collin that. I said, "You know, if I knew that you were pushing this legislation – that a version of you is pushing this legislation – I would have had a whole different opinion on it." Very passionate on</p>



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the issue. You know, it's interesting as I talk with these state lawmakers on the podcast. You talked with a ton of state lawmakers as part of your article writing process. These people are very passionate about the issue. Like, they are kindred spirits no matter which side of the aisle that they are on, Republican or Democrat. They are just very much in tune to these issues and there's, like, this intuitive across the country, regardless of geography. There is this intuitive, like there's something wrong with this and it needs to be addressed. And the federal government is not addressing it and so the states are going to have to jump into the fray, right? I mean, that's my sense of the whole thing. I mean, people have said it to me on multiple occasions. I'm not going out on any limbs here. And Collin Walke in Oklahoma is, like, a really good example of a guy who's incredibly passionate about this topic and becoming incredibly educated on this topic as well. And I think what we're starting to see – and you and I were talking about this yesterday – is we're starting to see these state lawmakers talking to one another and wanting to pull resources. Because you see... I mean, the Washington Privacy Act goes into Virginia, goes into Colorado. So you see a connection there. But you start to see state lawmakers saying like, well, "Let's talk about our approaches. Let's talk about our challenges. Let's talk about, you know, drawing from each other's experiences" and those types of things. I think that's significant.

**Joe Duball**

I mean, I think what is super-fascinating is the idea that we all just kind of sat here and thought that, you know, these state lawmakers were just looking at pieces of paper with provisions on them and saying, "I like that one. I like this one." We actually should have kind of opened our eyes a little bit more to the fact that there could have been that communication. There was. I mean Senator Maroney in Connecticut flat out told me that, and I wrote it in the piece about that Connecticut bill. He reached out to Senator Rodriguez in Colorado to check in and see what was going on with that bill, how he could improve it. And it was very striking to kind of connect the dots that, Oh, wait: They can go across state lines and talk to each other. This isn't just a look from afar and say, "Wow, that looks great. I'll take that." They were actually discussing this with each other. And I think that that's something that, you know, can't be overlooked when we talk about this concept of "Patchwork 2021," which came up as a hashtag on Twitter with the idea that we're gonna have this patchwork of state privacy laws. You know, Dave, you and I have both talked about the fact that if we have enough common thread between state laws, you almost have what's close to a de facto federal standard. So, I mean, if you look at it, too, where we're talking about state lawmakers collaborating to kind of get those threads together. It's just something that didn't really dawn on me until I actually



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heard someone say that they were talking to another lawmaker. And I... To be honest, I then heard it more afterwards where I heard more people talking about it, like on your podcast here with lawmakers. There were a lot of them that admitted, “Yeah, I did talk to Reuven Carlyle. I did talk to Senator Rodriguez. You know, there was a lot more just... My eyes were just open, I think, is the easiest way to put it.

**David Stauss**

No, I mean, it’s interesting because you touched on a topic I think we’re going to talk about a little bit later. You screwed up my entire itinerary, but that’s what happens.

**Joe Duball**

I’m good at that! I’m good at that! That’s what I do.

**David Stauss**

Thanks for nothing, Joe. Appreciate it. Thanks for being on, Joe. We’re done. No...

At the beginning of the year when I would talk to the press, I had this quote of saying, like, “Everybody knows that the endgame is federal privacy legislation, right? And if this is a football game, we’re in the first quarter” – something along those lines, right? Because I thought the process was – as we were all talking about – I think the process was, hey, a bunch of different states are going to enact a bunch of different things, and that’s going to be the impetus for the federal government to step in, right? Five years, 10 years, who knows? But, like, that will be the impetus. I’m not saying that that’s wrong now. What I’m saying is that there is an alternate universe, right, where enough states pass the Virginia/Washington Privacy Act/Colorado model, and that becomes the foundation for privacy law in this country, right? And people say, “Well, that’s crazy.” You say, “Well, okay, well, we had it in data breach notification statutes.” California developed it. Yeah, Massachusetts has a different approach to it and we just handle that as we handle it. The other states have used the California approach and, like, if the one state wants to go out and they want to cover biometric information they will. If another state wants to change the time frame from 45 days to 30 days, they do. But as a community, as a legal community, as a privacy **[inaudible]** as well, we’re able to deal with it and we don’t have a federal privacy data breach notification statute.

So, one could sit back and say 2022 is going to be a really important year. And one could sit back and say, alright, I’ve got California, but nobody’s jumping on the California bandwagon. Nobody wants an EPA and when I talk with the lawmakers about that it’s because it’s a spend. I mean, it’s a fiscal spend, and it’s really hard to get in your mark for fiscal



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spent on that. [inaudible-24:58]. And so, that model, even when it’s replicated and proposed in other states, it lacks that, right? But it had the right to add the privacy policy, the contractual stuff, which is very similar to what the Virginia and Colorado/Washington model is. Just different terminology. Anyway, you can sit there, you can say, “Okay, what if I get enough states with enough heft – Florida, Colorado, Virginia...?” I have California. Texas won’t be in next year. Texas is every other year, so it won’t be in session next year.

**Joe Duball**

Right.

**David Stauss**

But if you add in, say, like, enough states, with enough geographic population, your point you have a de facto of federal standard because what’s everybody going to do? They’re going to just say, “Give it out.” Like, you know, let’s just have a privacy policy. Let’s just have consumer rights around these things because that’s what my clients are talking about now, is not necessarily, we’re going to give privacy rights to everybody across the country, but, like, “Can you come up with, Dave, a one-stop model so I can handle everything because I don’t want to have to adjust my privacy policy every single time?” And what’s interesting – not to keep on talking – but what’s interesting is, like, the lawmakers are actually in tune to that. When I talked with Shelley Kloba in Washington, she said, “Well, we kind of feel like the Washington Privacy Act is already setting the national standard.” And what I think is important, what she thought was important, is progressing that, right? Having more protections in place, right? And you saw that with her People’s Privacy Act, which is... That could be the spoiler, right? If somebody passed a version of the Washington People’s Privacy Act, which has BIPA in there, it has opt-in, you know, it’s very much closer to GDPR, and that’s in front of Massachusetts right now. But if somebody passes that one, that could be the spoiler. But... That’s a long way of saying, like, the way we’re kind of viewing these, the prism, the **aura conjecture** – all that type of stuff – it’s shifting. It’s shifting and 2022 is really, in my mind, going to be the year that maybe really does it – I mean, sets this in stone, so to speak. What do you think?

**Joe Duball**

I agree with you wholeheartedly because, again, we’re talking about a lot of states that got very close to the finish line here. I mean, Florida, Connecticut. I would classify Oklahoma as somewhat close to the finish line because of just the overwhelming approval within the legislature that there was – besides the rogue committee that took on some hard lobbying. I mean, I think that there’s just a lot in play. I mean, again, in addition, we’re going to see Colorado go through further changes to their law, too. So, I mean, it’s ever-evolving. There’s no question about it.



Speaker	Statement
David Stauss	<p>And I think that that's going to continue to be the case regardless of how many laws we have out there. But I think you're 100 percent right that next year is going to be kind of, you know, I don't want to call it a make-or-break. I think that's too much because, you know, you can't call it break because you just don't know what's going to happen. But it could make a lot of things happen if we see two or three more states do something.</p>
Joe Duball	<p>What do you think? I mean, you covered this. You and I were trading some emails on it: Uniform Law Commission came out with its version of, you know, privacy legislation. Essentially it's something you can just take in as a lawmaker and propose it. Do you sense... In my conversations, I haven't sensed a lot of groundswell of people proposing that, but it's still early. I mean, you know, it's August when we're recording this, so who knows what January will hold, right?</p>
David Stauss	<p>And, to be honest, you know, I've got a piece coming out at the end of the month in our, you know, our latest edition of Privacy Advisor that will cover reactions to the ULC. I talked to stakeholders across the board and the general consensus is it just doesn't hit the mark. No, it lacks... It actually does lack data subject rights. You know, I think that there's a right to deletion. I think that's about it. That there's nothing really in there substantial for it to kind of allow consumers to kind of effectuate their rights, and that's going to be a sticking point for lawmakers, I think. You're going to see a lot of lawmakers that are working for their people, and what's a law if it doesn't actually do anything for the people? To be honest again, too, we're talking about a proposal here from the ULC that deems to unify everything. But kind of like what we were just saying with the threads in these existing laws, you know, the ULC, they have an option there, but it doesn't necessarily coalesce with everything else that we've seen thus far – you know, whether it's the terminology or the language within that bill. It makes things a little bit more fuzzy in terms of kind of creating this unified standard because, again, the common threads that we see in these other laws simply don't match up. You know, there's some matching in there, but it's not a complete match and that's where these loopholes come in for states as far as, you know, companies trying to find their way around complying with the law.</p>
Joe Duball	<p>Yeah. We'll wait and see what happens. To lead off with, you have to be willing to be wrong and retract this stuff.</p>
Joe Duball	<p>Yeah, absolutely. To be honest, I can say that in my travels I have heard that a couple of states have gone to the ULC and talked about this, and these are states that proposed bills this year. So they are actively saying, "Okay, my bill wasn't good enough this year." Presumably there is some</p>



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David Stauss	<p>thread of all the laws that we've been talking about here that passed in those bills. They're saying, "Okay, it didn't work so what do you have over here for this ULC proposal for me to either inject into my bill or substitute completely?" Which, again, that might create some dysfunction as far as trying to unify everything.</p>
David Stauss	<p>Well, and, you know, as we saw this year, you get a bill like, you know... Let's pick Colorado, right? I think <i>[inaudible-31:35]</i> 300-plus lobbyists that were lobbying that bill. We saw huge changes in that bill like we saw, you know, we saw come out of the BLT Committee.</p>
Joe Duball	<p>Bacon, lettuce, tomato.</p>
David Stauss	<p>I'll spare everybody from our tweet, our text messages on that if you're listening to that committee. And it came out and, you know, it was really watered down, right? And then, we're thinking, Okay. And then it goes into, I think, the Senate first. It gets substantially revised, and everything gets added back in at that point in time. It goes into the House and it tweaks it. But I guess the point being is, like, the Uniform Law Commission bill hasn't gone through a legislative vetting process, right? And some of the same issues that have stopped other states from passing legislation are still alive there, like private right of action, no private right of action, right? The Uniform Law wasn't going to address enforcement, right? And if the rights aren't there, then that's really low-hanging fruit to sort of tinker with it. So, I don't... I guess we'll see. I mean, what I think is going to be interesting as well, is, you know, Carlyle Washington, you know, the bill getting passed in Virginia was his Washington Privacy Act, you know, slightly – not slightly, it was watered down. It had more exceptions <i>[inaudible-32:58]</i> And a version of that that's stronger passes in Colorado. I don't anticipate that Carlyle is going to just sit there and do nothing. I think Carlyle is working on an updated version to try to satisfy people, to bridge gaps. I mean, Colorado did a lot of things with, like, having the right to cure sunset, and whether there are some of these concepts that could convince privacy advocates in Washington to pass legislation. That's another thing, too. One of the things we haven't talked about yet, though, is if a state passes a true private right of action, that's a game changer as well.</p>
Joe Duball	<p>Sure. I think you're spot on with that. I think that if a state can go opt-in at some point here, that's obviously a game changer as well. Full opt-in like that. The private right of action, though, we saw in Florida. That was an issue. It was a struggle and I think Fiona McFarland said as much, agreeing to the fact that it was a sticking point – that they actually did agree on it. Correct me if I'm wrong. They did end up – is that what she</p>



**Speaker****Statement**

said? I can't recall.

**David Stauss**

She said on the podcast... It was in a letter to Howard [inaudible-34:20] on that one. So, and I have no personal knowledge of that. But she said as much, right? And, you know... But there was – I think what she ended up saying was eventually there were other issues and sooner or later point that she made, right, is the nuances in these bills matter, right? And they were just concerned that things were getting really late in the game, and that proposals were being made. And you can look at this, right? And you can say, “Here’s one that we always looked for when we were looking at bills: the right to deletion.” You mentioned that before, right? The right to deletion: Does it say you have the right to delete information that the business collected from the consumer? Or does it just say that you have the right to ask that business to delete all information they have on you, right? Because in one situation, the business could say, “Well, I’ve bought a bunch of information from this consumer” or “I’ve received a bunch from a third-party source, but I haven’t collected it directly from the consumer,” right? “So I don’t have to delete that information, if it says from the consumer,” right? And so, there’s all these little, tiny nuances to these bills that really stinking matter. When you get down to, like, you know, [inaudible 35:27] these bills, right? And so, I think, for her, it was, you know, her impression. And I think she’s right about this dead-on is, you know, this needs to be something that’s really thought through. And that’s kind of like the juxtaposition of like, Europe, right? Where the directive and then GDPR and all those types of things happen in this very, like, considered approach to privacy legislation.

And in this, this country, I think we’re getting there in the sense that, like... I would tell people, like, California: It clearly was not an ideal situation where Mactaggart hangs the ballot measure over top of lawmakers, and he’s, like, “pass” all day, right? But absent California and absent Mactaggart doing that, we’re not having this discussion because, like, somebody had to go, and the fifth largest economy in the world had to go, to push this country towards that discussion, right? And, you know... And I think now, we are getting that long, drawn-out, considered approach. It’s just really different than what people anticipated because it’s on the state level, where you’re going to have... It’d be really difficult. Because these conversations we haven’t talked about yet – but these conversations just don’t seem to get traction on a federal level. And I met... You know, I’m interested in your thoughts on... That is, is, you know, I think when Biden got in, we all... And the Senate went Democrat, and the House was Democrat, I think we all thought, “Hey...”



Speaker	Statement
<b>Joe Duball</b>	<p>We all thought, “Giddy up.” Yeah, we were getting into it and we were... That’s what was going to happen. Biden was going to push the, push the envelope and really get something going here. I think that’s, that’s 100 percent where it was headed. I think that, unfortunately, what we saw at the state level this year was less of a – and I think you and I have talked about this before – it was less of a Congress sitting there and seeing bills nearly get to the finish line, saying, “Oh, man, we’ve got to start getting worried,” but more than saying, “Oh, that bill didn’t pass? Great, we don’t have to think about it anymore.” It actually, instead of, you know, getting closer or, you know, moving those goalposts closer for Congress to actually kind of feel the heat a little bit, I think they got pushed back and these bills didn’t actually get across. Then I think it was just because they can sit there for as long as they want until states actually pass something, you know, and make them move. Which, again, we just... We haven’t seen them with the appetite to really dive into this. I mean, we’ve seen a couple bills... I feel like we see it every year right now, which is, you know, at some point, we’re going to have lawmakers coming out with comprehensive federal privacy law proposals. We’ve seen, I think, two or three of them so far this year? And it... That’s how it’s been the last couple years where they just kind of throw them out there and they say, “Hey, we’re thinking about privacy again.” But we aren’t actually seeing them go any further on it, and that has a whole lot to do with the priorities that they have in front of them.</p> <p>I mean, there’s no doubt in DC there’s a lot to contend with, but there’s going to be a push-come-to-shove moment. Do I know, do I think that that’s state privacy law? Not sure. I mean, the way that things are going currently, probably not. 2022 may change that, based on what we’ve talked about, but I think that... I don’t think it’s out of the realm of possibilities to stick to that five- to 10-year kind of timeframe. It’s going to happen; it’s just a matter of, you know, what is going to be that push?</p>
<b>David Stauss</b>	<p>I think... Yeah... I think we’re still some time away, right? I just... It’s the sense of it all. And I’d be thrilled to be wrong, but I put my kids through college on being wrong, right? So I’m not going to bet the under on that. I’d be more than happy to be wrong on it. But, what do you think...? Moving into 2022, we have one bill that’s still got some traction, which is Ohio. We haven’t talked about Ohio yet. We still have bills live in Massachusetts and Pennsylvania...</p>
<b>Joe Duball</b>	<p>North Carolina, I think, is the other one?</p>
<b>David Stauss</b>	<p>One of the Carolinas. I think North Carolina still hasn’t moved. The Pennsylvania bill hasn’t moved. But these are sort of like these sessions that go on throughout the entire year, right? So, like, December, January.</p>



Speaker	Statement
	<p>But, you know, a couple weeks ago – two or three weeks ago, whatever it was – Ohio kind of came out of nowhere and seems to have a lot of support. I know you’re kind of tracking that in depth. What do you know?</p>
<p><b>Joe Duball</b></p>	<p>Yeah, so, you know, what I’m hearing about that – and this will open up some news a little bit – is that from conversations that I’ve had here in the building and with the, you know, different sources, is that, you know, the effort that they’re putting on out there is more geared towards 2022. They want a... They are positioning themselves to get through one chamber during the 2021 session and then come back in 2022 and get it through the other chamber, which isn’t a bad way to go about it. I mean, again, if you have enough support, which, you know, finally, it took them a while to get some sponsorship on that, and now that they also have the AG’s office behind it, you know, I think that obviously shows that there’s a lot there. And I think it can’t be, it can’t go unmentioned, the fact that the group that is pushing this with CyberOhio is a product of the governor years ago when he kind of commissioned this group to work on tech matters in the state and, you know, kind of gave them free reign to push matters as they felt necessary. So, with that kind of behind it, you know, put the dots together, connect the dots, and here we are. I think it has some pretty good legs.</p> <p>It’s an interesting bill because, again, there’s just some stuff in there that’s reminiscent of Virginia that a lot of people didn’t like. And there’s some privacy framework, safe harbor, that’s in there as well. It’s a little confusing because it’s unclear if that is a stipulation or if that is just a consideration as far as enforcement goes. If they sit there and say, you know, you definitely are okay if you fall under the privacy framework and you’re working within that, or if we’re just going to, you know, consider it based on, you know, what violation you come away with.</p>
<p><b>David Stauss</b></p>	<p>It’s interesting. I mean, some points, it’s really <b>[inaudible 42:24]</b> because this one I heard as well. I think we talked about that, like, 2022 seems to be the year for that. It hasn’t gone through anything other than initial drafts, so we’ll see if they add things, subtract things – those types of things. None of these bills... I guess maybe Virginia was the closest, where it like, just went through clean, over the <b>AdVac(?)</b> committee, which...</p>
<p><b>Joe Duball</b></p>	<p>That was unbelievable the way that that happened. We all sat there and we were just like, Okay, uh, it got through the House and then it – or it got through the Senate, whichever way that went – and it just kind of zipped right through. And we were all just like, It’s that easy? It can’t be that easy because we would’ve done this a long time ago in other states, I</p>



Speaker	Statement
	<p>feel like, if it was that easy. But, I think it also comes back to – and this works for Ohio as well – the politics of it. As much as we don't want to consider the politics of it and, you know, whether a state is controlled by one party or another, if there is an appetite and there is a trifecta of some sort, it's probably going to happen, one way or another. I mean, Virginia, trifecta blue, worked out. Colorado, same thing.</p>
<b>David Stauss</b>	<p>But Ohio, trifecta Republican, right? So...</p>
<b>Joe Duball</b>	<p>Which is actually an even bigger development because, again, we sat there and thought with Florida we're talking about a Republican-led and dominated state. That was something that could really get the ball moving as far as, you know, the idea that we're having both parties really tackling this subject. And now, with Ohio kind of pushing it as well, that just... It kind of reignites that conversation.</p>
<b>David Stauss</b>	<p>Yeah. And I, I mean, you know, my personal opinion of Ohio is it doesn't, it doesn't move the needle, right? What's interesting – I started thinking about this recently – is eventually, if we have, in 2022, say we have like another three states join, or something, right? What you're going to start talking about is heat maps, right? And so, we used to do this with data breach notification status statutes where we put up and we had, like, heat maps of what were the most stringent data privacy laws, right? Red, yellow and green for those types of things.</p>
	<p>Conceivably, as more states join in, we'll start heat mapping these consumer privacy bills, right? So, like, California would be red because, like, we don't even know what California is yet. We still have to go through the rule-making process with the CPRA. Colorado will be, you know, I don't know, yellow or something like that. And then you would get, like, these greens, I guess, for lack of a better color. That and blue, you know. That will be like the Ohios and the Virginias of the world, right? And that might be, it might actually be something now that I think about it, I wonder, it'd be really hard to do, because there's only so much time in the world. But when looking at these bills, one aspect of, like, to improve the tracker next year could be to kind of, like, put them in categories about, like, how strong, like, how much should you care, right? Like, if Ohio passes a bill, but it only applies to businesses that have \$25 million in annual gross revenue in Ohio, like, what is it? Like, should you care?</p>
<b>Joe Duball</b>	<p>Well, exactly. That... It's... That goes back to something that you kind of talked about before, with the nuances. The small little things in these bills, these little language... You know, like, you don't see that with the bills as far as Colorado or Virginia goes, where it's, you know, not</p>



Speaker	Statement
	<p>exclusive to the state in a lot of regards. And the funny thing about it is, it brings me back to the ULC portion of things, too, and the AG part of that. It's AG enforcement. But, you talk about compatible and non-compatible practices, which is a weird concept that we didn't get into and I... To be honest, people should go read it. It's interesting. The AG is left to decide what is compatible and non-compatible, so we're talking about different states can decide... You know, one state can decide that it's a compatible or non-compatible, and then another state could have a completely different, a completely different take on it. And there, here we go again with this disarray of what is, you know, what's lawful, what's unlawful.</p>
<b>David Stauss</b>	<p>Yeah. You know, one thing... It's interesting, right? Because you're talking about that is... We haven't touched on it, but, but another big piece of the puzzle is going to be the rule-making process from the CPPA, the CPRA rule-making process by the CPPA. Which by, you know, July of next year, we need to have final regs out. So that means that, in the next 11 months, although I think it's shorter, because you're going to have to submit them – you know, have the office of administrative law look at them – we're going to have some regs on 22 different topics on this, that are..., right? And, like, that's going to be happening this entire time, and you can kind of envision – I'm already dreading it – but you can kind of envision that you and I in, like, February are just going to be in complete, like...</p>
<b>Joe Duball</b>	<p>Oh, up to our eyeballs. It's going be crazy. There's no question that we're... I don't even know if it's going to be February. We're going to sit there in January and some of these, again, some of these legislatures are going to hit the ground running. And we're not going to know what hit us. And then, again, the rule-making process is going to come to a close, and we're going to have to grapple with that. It's just, uh...</p>
<b>David Stauss</b>	<p>Yeah, there is...</p>
<b>Joe Duball</b>	<p>I'm very curious to see how, you know... Again, COVID was a helpful thing for us as far as the lockdown. I don't know what's going to keep us focused this time, as far as being able to keep up with the mass amount of action there's probably going to be.</p>
<b>David Stauss</b>	<p>Well, we need help. I mean...</p>
<b>Joe Duball</b>	<p>No question.</p>
<b>David Stauss</b>	<p>People should reach out. I mean, it's funny, right? But you want to... You know, I think lawyers in particular, right? Like, you're at different</p>



Speaker	Statement
	law firms. You're concerned about, you know, maybe, like, going after clients and stuff like that. I've never... Like, we haven't mentioned it yet, but <b>AI _____</b> , right, is just fantastic. Love that guy, right? And was killing it on the Florida stuff, right? And you were chatting with him...
<b>Joe Duball</b>	<b>AI _____</b> , is, is, if he is listening to this right now, you in Florida, sir, were a godsend. You were exactly what we needed.
<b>David Stauss</b>	Exactly, right? Like you just need, you need people who are just sort of, like, on it, right? And, like, we need more people, not less, trying to track these things. And trying to listen to, like, hearings, and actually report on it, because, yeah, I've got a day job, too, right? I've got to bill some hours. But, yeah, I mean... And there's... My LinkedIn – probably same with you – like, my LinkedIn feed and my inbox is filled with people who are really interested in this subject and want to know what's going on behind the scenes and all that type of stuff. And I think there's a real great opportunity for people who are interested in these subjects to, like, you know, join in. Let us know. Let us know you're out there, right? Because, we're looking for soldiers here, for sure.
<b>Joe Duball</b>	Yeah, and, you know, it's funny – and I know we're probably running up against some time here, and we're going to take up maybe some extra time on people. But one thing we also didn't cover was – and this kind of goes to what we're talking about right now where we need more soldiers on the ground – the role of privacy advocates in these discussions. You know, I know that you had brought that up with the lawmakers in these podcasts where, you know, what kind of dialogue they had with them. You know, I don't know if you want to just quickly go back to your thoughts on that because, I mean, as far as my thoughts, the role of an advocate, I think... They do some great work and it's unfortunate because they're so limited in what they can do because they have to pick and choose states. I mean, I think we've had advocates tell me... You know, I'm telling them, "Hey, this bill, you know, they're going to have this hearing and this hearing." And they're like, "Yeah, we're not going to be able to do that because we're focused on this effort." And I think that that's a big thing that goes unconsidered as far as the advocate role, is that they have to pick and choose which bill... You know, they have to pick and choose their battles, you know, as far as, you know, what is viable to them to kind of fight back on, and what they can win out of certain things. You know, which bills are most egregious as far as not giving consumers the proper safeguards and everything. So, I mean, Dave, I don't know if you...your take on that.
<b>David Stauss</b>	Well, good. Yeah, I've got a lot of thoughts on that. Not that anybody



**Speaker****Statement**

cares, but I've got some thoughts on that.

What sticks out in my mind when you raised this subject, right, was Washington – the ACLU in Washington state, and then the ACLU in Virginia, right? So in reaction to the Washington Privacy Act, the ACLU of Washington runs its own bill, the People's Privacy Act, which is what Shelley Kloba had proposed, right? I don't know who wrote it, but the press release came out, "We support this bill," all this stuff, from the ACLU of Washington, right? The Virginia Privacy Act, which is a watered-down version of the Washington Privacy Act, passes in Virginia. And the ACLU of Virginia comes out with a tweet that's like, "This is the greatest thing in the history of the world," right? And so, you've got, like... And we're sitting there... I forgot who's tweeting about it, but we're sitting there... Maybe it was Joe Jerome who was connecting these dots about, like, "Come on," right? And, but it's limited resources, and it's also like, we think about them as one organization, but obviously they're individual state organizations, taking different takes on this stuff. They clearly have less resources than big companies that we all know of that are, that are backing, you know, that are lobbying these bills.

If I was in the position of a privacy advocate and I was thinking about this – and maybe they are – I would pick the bluest blue state I could possibly think of, and I would focus on getting that state to pass my version of consumer privacy legislation, which apparently is the People's Privacy Act. It's like the, you know, or something that's close. And I would focus there. Because the problem is going to be, as more states pass stuff next year – which I think we fully expect – the more states that pass the Colorado/Virginia/Washington Privacy Act model, the harder the conversation's going to be to get somebody to pass something different, right? They're going to say, "You're asking me to do the exception, not the rule; why wouldn't I pass that and then try to improve upon it?" right? And so I guess the issue is... I would just pick... I don't know what the bluest of the blue states is. I mean, Massachusetts kind of sticks out in my mind and they have a bill that's there, and, you know, it's in committee right now, and there's just, you know, there's no hearings set, but it's something there where like... When Massachusetts passes something it's a huge economy. And, it would create this sort of, like... It's not a patchwork without different patches, right? If everybody passes the same thing, it's not a patchwork, right?

So, I just, yeah, it is kind of fascinating. I mean, you see a lot of, a lot of Twitter... Maybe it's just because you and I follow all the same people, but you see a lot of concern over these bills that get passed from the privacy advocates. They don't go far enough, they don't do X, they don't do Y. But there's not, I don't sense, cohesion on that, in that, you know,



Speaker	Statement
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around those things, the way I sense cohesion in the business community, in the way that they lobby bills in the business community. Clearly, bills get proposed, and clearly the business community goes in there and they say... I mean, this happened in Oklahoma. I mean, I'm not telling you anything Walke hasn't said publicly. But, like, business went in there and said, "We don't want to pass this," and they didn't pass it, right? So, like, according to Walke, right? So...Collin Walke, I should say.

So, yeah, and it'll be... Well, let me ask you this because we are sort of past time. We could probably talk for another hour, but nobody's there. Predictions for 2022: what, you know, we're sitting here and it's August 2022. What, you know, what's your bold prediction? Totally realizing, listen, you know I said it before: You've got to be willing to be wrong. And I always tell people, you know, in baseball if you bat .300, they put you in the Hall of Fame, right? So, that's what we're aiming for right now is, you know, .300, right? What's your prediction for 2022?

**Joe Duball**

I can see at least three states. At least. Again, and they're all the states that we've talked about that got close this year: Florida. Fiona McFarland has... And I should preface this by saying I believe that these three states will do it because of, I've talked to these legislators and they seem very keen to making sure that it happens, and they're very focused on the topic. So Florida obviously comes to mind first because of how close they got. Connecticut just because of, again, not so much that they got very close to the finish line, but I can tell that Senator Maroney isn't going to mess around next year. I mean, he even told me flat-out – and you can go read it in the story that I wrote – he's not going to, you know, he's not going to sit and wait around for, you know, the tech companies or industry to kind of throw their...throw what they want in anymore. He's just going to... He's not going to wait, he's going to go. And then, obviously, Oklahoma, I think, is another one. I mean, I would love to say Washington, but we've already seen 0 for 3, so I can't, I can't necessarily sit there and fourth time's a charm. So, I will go off the board a little bit, and I have to go with Collin Walke's just passion on this because I think that, again, it was closer than we think. It was one big stumbling block, and if he can find his way around that stumbling block, I think we're going to see something that could ultimately change the game down there.

**David Stauss**

Yeah.

**Joe Duball**

What do you see? That's what I want to know. I want to hear what you think. Are you in agreement with me, or do you think there's somewhere else that I'm not thinking of?

Speaker	Statement
<p><b>David Stauss</b></p>	<p>I'd be surprised if there wasn't two or three states that joined in. I'd be surprised. I'd throw Minnesota out there as well. I mean it's with Representative Perkins – Elkins, I'm sorry, and he's just got an extreme interest in it, and it's the Washington Privacy Act version. And I just think that that's going to be a lot easier for people to pass now that you've got two states that have done it, right? Hey, Colorado did it. Hey, Virginia did it, right? And so, like, let's pass it. I just... So I wouldn't be surprised to see them, which would be an important state to go. And I think you've got to kind of look for that mixture about, like, states that are... I always tell people, like, why, you know, what allowed Colorado to do it? We're a practical state, right? Like, we're a practical state. We're business-friendly. It's Democratic government, but, like, we have, you know, a long history of, like, conservative majorities as well. We have this influx of young people with the economy. It made sense in Colorado. We're very practical. We weren't going to have this, like, you know, this private-right-of-action-or-nothing approach. It just wasn't. It was a priority of our attorney general's office as well. I think I've heard now in Minnesota that, you know, Elkins is talking to the AG's office. You know, I mean, that's another thing, too. You mentioned, you know, like, if you need... If you can get AG support, then that's a huge deal, right? And Washington has never had AG support. To the exact opposite, the AG has gone in and testified against the bills, right? In Colorado – I remember this – in Colorado it was a big deal. We were listening to a committee hearing, and the AG's office showed up in Colorado and I told you, "This thing's got legs," right? Because the AG's office just came in. That means Weiser's on board, and this thing's going to get...</p>
<p><b>Joe Duball</b></p>	<p>And I think that speaks to also the fact that a competent, tech-savvy AG like Weiser is going to be very keen to work on this stuff. And I think that that can't be overlooked as far as, you know, what an AG looks like as far as, if they have a, you know, privacy data protection unit already in place. I know New Jersey does, and that's a, that could be another place that surprises us down the road as well. But, I think that can never go overlooked, the fact that the office that's going to be enforcing this law, if they are competent enough to be able to address these issues in a way that, you know, we understand it as privacy people. I think that that goes a long way, too.</p>
<p><b>David Stauss</b></p>	<p>Yeah. So, but to answer your question, I feel like the number is, I feel like it's two to three. We talked about, though... I remember at one point in time, we talked about like, could there be an avalanche, right? I mean, if you've got enough... Like, is there a big enough state out there where, like a New York, where it passes something and it just, like the privacy avalanche happens? And I felt like this year, we were kind of teetering on</p>



Speaker	Statement
Joe Duball	<p>that because, like, you could've had Connecticut go. And you could've had Florida go. And you could've had Oklahoma go. And you could've had Utah go. These are all states that pass things out of one chamber, but not the other, right? And, like, we could be sitting here saying, like, "Hey," you know, "we've got five states." Easily could've been saying that, right? And Ohio looks poised. So, you know, what you mentioned before. I think that's the answer. I think it's probably, you know, the over/under is three, and I wouldn't bet against the over, right?</p>
David Stauss	<p>If it's the over, folks, get ready, because Dave and I are just going to be very tired, very overworked, very... We're going to be cranky. If you hear us on a podcast again next year, we're more than likely not going to be as chipper as we are right now because I can only imagine just the, the late-night text chains between Dave and I as some of these committee hearings or floor sessions are just not going to be probably exactly what they were this year, where we seemed so chipper and happy about things.</p>
Joe Duball	<p>Yeah, it's probably... Well, we were talking about this story before, and I... We're super long, but whatever, right? I control. It's my podcast; I can go for as long as I want, right? So, you know, we were talking about one night. It was a Friday. I forget which day it was. It was the morning that the SCCs came out – the standard contractual clauses, right? And so, you wake up at, you know, I wake up at 5:00 now, right? And instead of getting into my work I go onto Twitter, I go onto LinkedIn, and I'm like, "Oh, great, now I'm blogging about the new SCCs," right? So I push out a blog post about the new SCCs coming out, and that's my 5:00 a.m. That night, we finish at midnight Mountain time, right? Because that was when the Colorado House, I think, voted out the Colorado Privacy Act, right? And it's a Friday night and I had to listen to legislative sessions for, like, six hours.</p>
David Stauss	<p>Wait a minute. We were both listening. We were both tuned into that. We were sending text messages back and forth. It's the hilarious part about what Dave's about to say.</p>
David Stauss	<p>Right. So we're texting the whole time. You're basically like, you're punch... It's, like, 2:00 a.m., right? So I think you're just like, "I'm going to sleep; tell me what happens when I wake up," right? I'm like, "Okay, I'll stay on." And they're talking about, like, a farm bill, a very important farm bill they were very passionate about – the Colorado lawmakers were. And I don't mean to minimize that at all, but, like, it went on for hours. And so, finally they vote, and it's just like a lickety-split. Like it was, like, 30, seconds, right? They're raising bills, people vote, and you're like, "God, I've been on here for six hours and, like, this was all of 30 seconds." And so, I text you, you're asleep. I text you. I'm,</p>



Speaker	Statement
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like, “passed,” right? Like, whatever the bill it was, all that type of stuff. And it’s midnight. I get off my phone and I looked at my wife and I said, “This is impossible. This is absolutely impossible.” And she just says, “How are you going to do this?” And I said, “I don’t know, it’s something the privacy community needs to try to figure out right now.” But what I think is fun about all this, right, is 10 years from now, this is done. Ten years from now, this is done, right? We have what we have. Maybe we’re tweaking – all that type of stuff. And, you know, this is fun. In a really weird, like, self-hatred kind of a way, this is fun. We’re having a good time trying to track what is a very important issue.

So, anyway, I’ll give you last word on our podcast.

**Joe Duball**

I can’t tell you enough how much I have appreciated you, Dave, throughout all these last eight months. I would not be able to survive a lot of this or get through some of these long nights without your candor. But also I, you know, I think the one thing as far as keeping track of this that I forgot to mention is, I was a sports writer for, like, I think it was seven years before I got into privacy with the IAPP. And I can’t stress this enough: Covering privacy – you know, state privacy law and everything – is like covering sports. It is almost that exciting. No one’s ever going to believe that. Everyone’s going to sit there and say that doesn’t make any sense. But, to me, the twists and turns of this is the equivalent to, you know, a nine-inning baseball game and the twists and turns that you see in that. And it’s exactly what you talked about earlier, whether we’re talking football analogy or whatever, very early in this, and that we’ve seen so many, you know, rollercoasters already as far as how this is all going to go. And all I can think of is just the fact that, you know, I moved from sports thinking I was kind of done with, you know, going out to high school games or going out to your pro stuff and kind of documenting the ups and downs there. It feels exactly the same. It is a weird, weird, weird, you know, parallel there, but it all adds up.

**David Stauss**

That’s a great observation, a great way to end the podcast. And the feeling’s mutual about trying to get through all this stuff. You know, it takes a village for sure because it’s all *[inaudible 1:04:53]* to keep track of this stuff. And there’s a lot of people we didn’t mention who are worthy of being mentioned, but we have to end somewhere. Joe, I can’t thank you enough for joining in. It’s been a pleasure getting to chat with you here, and I think it’s just, you know, to be determined, right? We’ll be right back at it in the fall. So enjoy the warm weather, and then let’s buckle down and get at it all over again.

**Joe Duball**

Oh, I can’t wait, I can’t wait, Dave. It’s going to be a good one.



<b>Speaker</b>	<b>Statement</b>
<b>David Stauss</b>	Thanks, Joe. Appreciate it.
<b>Joe Duball</b>	Yeah, we'll see you.
	<b>END OF RECORDING</b>

