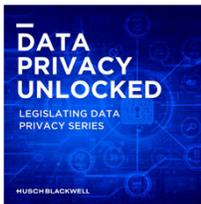


## Data Privacy Unlocked: Legislating Data Privacy Series



**Episode 7 –**  
**Data Privacy Unlocked: A Conversation with**  
**Connecticut Senator James Maroney**  
September 9, 2021

Speaker	Statement
<b>David M. Stauss</b>	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, interviewing some of the prominent state lawmakers who have authored these bills. Our guest today is Democrat Senator James Maroney from Connecticut. Senator Maroney is the primary author of Connecticut Senate Bill 893. Senator, thank you for joining us.
<b>James Maroney</b>	Dave, thank you very much for having me on your podcast.
<b>David M. Stauss</b>	No, it’s, it’s my pleasure. Really, it is. And for our listeners... You and I – it took us a while to get this podcast together. You were a busy guy at the end of the year with this privacy legislation, come to learn.
<b>James Maroney</b>	Yeah, I do apologize for that. It’s always so difficult to get a hold of me, so...
<b>David M. Stauss</b>	No apology necessary, and I kind of alluded to it, you, you know. And I’d love to hear your take on this whole thing. But, you know, for the longest time, Connecticut was kind of plodding along, having hearings and, yeah, we thought those were going to come and then the legislature closed and then there was a special session. All of a sudden the bill was attached in special session. So,



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anyway, I think our listeners would just really love kind of hearing the story of what happened this year in Connecticut with this bill.

**James Maroney**

Yeah. And so, as you mentioned, you know, we had a bill that was, you know, based off of the Virginia legislation – the initial bill that we were able to get out of the committee. And Connecticut's a little different than other states in that, you know, we have joint committees. It's a joint Senate and House committee. And so, the bill made it out of committee unanimously and went to the Senate where it rested for a while.

There was a fiscal note put on the bill because the attorney general's office, who we put in charge of enforcement, was going to require additional staff. You know, we are fortunate in Connecticut. We do have a data privacy unit. It's three attorneys. We had one of the first data privacy units in the country. But, you know, they would still need additional staff to be able to respond to these inquiries.

So it was put in the budget and so then, you know, as you wind down in the end of a legislative session, any bill that becomes a bill that could be talked becomes less likely to get called. And given the complexities of this topic and the issue and the interest it had from various parties, this bill was likely to be what we'll call a "talker," right? There would be – and rightfully so – a lot of questions asked about the bill. And, unfortunately, the clock ran out in the regular session. But, as it was a budget issue, we actually put in the money and have added the staff, so right now the attorney general does have the finances for the additional staff for implementing this bill.

It was added to the budget implementer bill and while we did get a budget in the regular session, we did not ask the implementer bill so we had to come back for a special session to deal with the budget implementer and then also recreational marijuana – unrelated, but that also did not make it through during the regular session. And so, the bill was revived and put in the budget implementer. It did make it out of the Senate and went down to the House, and then the House amended it, amended the budget implementer, stripping out the privacy legislation and, I think, a few other things, and then sent it back up to us. So we had to vote on it again in the Senate without passing the privacy legislation for this session – although the money remains for the attorney general.



Speaker	Statement
<b>David M. Stauss</b>	<p>Yeah, thank you for that. And it's funny you mention that marijuana bill over special session. And that kind of brings back bad memories of me listening to, like, hours and hours of debate on marijuana seeing if the data privacy legislation would be... And the funny thing is, you know, as I mentioned before, I sit in Colorado. So, like, Colorado kept on getting mentioned as, like, "Oh, I've talked with this person in Colorado and that person in Colorado about, you know, marijuana legalization." So it was an interesting time to be listening.</p> <p>I had not realized before you mentioned it that there actually is already a fiscal allotment, I guess, for the AG's office to hire people then to enforce a bill that doesn't exist quite yet.</p>
<b>James Maroney</b>	<p>Correct. It had another assistant attorney general, and then, I believe, some administrative staff were added as part of this. And, you know, they are a very busy unit. They've led a number of settlements, so they more than pay for themselves. So I think that that's okay in the long run. But the hope is that, you know, next legislative session we will bring this back and spend, you know, spend time working on it. I think one of the issues last session is I was focused on the policy and trying to get the policy right. And I wasn't as focused on building a coalition to get it passed.</p> <p>So I think now that I'm happy, you know, obviously we'll probably make some tweaks to the policy. But I'm pretty happy with where we ended up. I think it was fair, right? And, unfortunately, as you know, I guess as a... You know, when you negotiate you know it's fair when both sides are upset, which doesn't make it easy to get something passed when you've upset both sides. But I think, you know, going into this next session we'll be focused more on building a coalition to get it through and, you know, maybe tweaking the policy.</p> <p>One of the pieces that was part of this bill that I'm going to, you know, enact anyways was creating a legislative working group to go through and look at other state laws that were passed and, you know, do our best to reconcile our law with, you know, with the other state laws. You know, and so, as you know, right now it's just been Colorado. You know, Virginia, Colorado and California. You know, from what I hear, New Jersey has a full-time legislature and there is a chance something might happen there. I had heard about something, perhaps, in Ohio. I'm not sure. I need to, you know, look at those models.</p> <p>But, you know, we'll be focused on looking at, you know... Colorado. I didn't work with Senator Rodriguez in drafting it until I saw his legislation passed and then I reached out to him and he was great. I did a lot of back and forth with him in those last couple of days of session. So I do apologize if I was emailing him back and not you at that time. But, you know, he was a big help and I think I'll reach out to him, you know, in the off-session as well. Because he did a great job on building a bipartisan coalition in Colorado.</p>



Speaker	Statement
<b>David M. Stauss</b>	<p>Yeah, no. Again, no apologies. You are much busier and no need to be reaching out to guys like me, right, who are just trying to get your time.</p> <p>So you said a bunch there, so let me see if I can unpack some of it. Originally, you said your bill was based off of Virginia with some tweaks. So, I mean, just explain the process then by which you sort of, I guess, get interested in the topic. Or, did somebody come to you with this bill and say, “Hey, this is something we should do”? I mean, how did this come to pass that you were presenting this bill?</p>
<b>James Maroney</b>	<p>So it’s a good question, right? Because people come around bills all different ways. Sometimes it’s their personal passion. Sometimes it’s the constituent. In this case, this is a bill that actually... You know, the primary proponent for years has been Senator Duff. Ever since, I think, California passed the bill, he has been proposing legislation in Connecticut. I am the co-chair of the General Law Committee and so in the 2000, let’s see, 2020 session, you know, I started working on that and seeing what we could do and that session was ended by the pandemic. And so, then in the off season I did some work.</p> <p>You know, at one point, you know, we hosted... I think it was almost a year ago I had a call and there’s a privacy coalition of lobbyists, which was 50, and Connecticut’s now over 60 lobbyists. And I think, you know, we added up what, you know, just some of them spent and, again, it’s not... The way our disclosure laws are, you can’t tell what issue it is for specifically, but I think, you know, it was around... The 20 lobbyists spent \$2 million on this issue in Connecticut. Well, I can’t say it was specifically for this issue, but 20 of the lobbyists who are part of that coalition spent \$2 million in, you know, in lobbying. So, you know, some of that obviously went to other issues, but I guess you can guess, probably a good estimate is over \$2 million was spent on this issue alone in lobbying.</p>
<b>David M. Stauss</b>	<p>Just last year.</p>
<b>James Maroney</b>	<p>Yeah. And so we’re trying to, you know, figure that out. So, anyways, I wanted to engage the lobbyists early and, you know, everyone brings a different perspective to a bill and a lot of times they are issue experts, right? They’re representing a specific industry and there’s a lot of information and background they can bring. A lot of them have experience with other states as well that is very helpful.</p> <p>So we had a call with 55 lobbyists last September. That was the start of it. It was engaging a number of people and I think they were on for 90 minutes. And, you know, I tried to figure it out. In Connecticut, you have to pay sales tax on lobbying services, so I figured that call alone generated over \$1,000 in sales tax for the state of Connecticut. But, you know, we set up a number of meetings after that. We were also working with the attorney general’s office.</p>



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But, you know, from some of those initial calls, it came out that, you know, they, you know, they pointed me towards the Virginia legislation and so, you know, I was looking at a federal consumer online privacy rights act proposed or the Virginia... And we were trying to figure out which one we wanted to draft based off of and then we ended up, you know, going more off of the Virginia legislation. And then after that, we involved our attorney general – you know, extensively worked with them. And, you know, we continued having meetings, right? And some of them hosted were with the attorney general and some the lobbyists.

We probably had, maybe, two or three calls where we had a large number like that of, you know, 30, 40 people on to try to work through it. And as anything, as it came down there, there are going to be sticking points. But I think one of the things, I'm guessing, that came off as a theme in your interviews with other legislators is just looking at definitions and making sure that they are consistent across states. And I think that, you know, one of the big things is, you know, it turns out that the Virginia bill is seen as probably more industry-friendly versus the California bill. And so, my goal became similar to that of Senator Rodriguez in that, you know, we wanted to strike a balance, right? You don't want to harm industry, right? The goal isn't to be punitive, but it's to protect the rights of the consumers, right? And I think that that comes down to... You know, I was, you know... A conference I attended years ago... I'm interested in social impact, beyond social impact conference, and it was on early childhood and, you know, just looking at, you know, a lot of early child care is provided by private businesses, right? And a lot of them are small, in-home day cares. I think it's over 75 percent. And so, if you did universal early child care, would you put all of these small businesses out of business? And someone I was talking to at that conference said, "Maybe, but who's your customer?" right? "Your customer in this case is the child," right? And so, I think, ultimately as a legislator, who's our customer, right? Our customer is the citizens of the state, right? And the citizens of the state of Connecticut or the citizens of the state of Colorado... And so, what is in their best interest? You know, it's not in their best interest to put businesses out, because everyone needs somewhere to work. We need services. But, you know, we want to protect their interests first.



Speaker	Statement
<p><b>David M. Stauss</b></p>	<p>So you mention, you mention a lot. But let me pick up on one of the things that you said, which was engaging the attorney general's office in Connecticut. It's always struck me in the past couple of years that you see, like, Washington state with the Washington Privacy Act, the attorney general's office sends somebody in there to testify against the bill. And then, you know, juxtapose that with Colorado where the attorney general's office sends someone in to testify in support of the bill. And so, it seems to me... You know, and in both cases, you know, the bills were going to be primarily enforced by the state attorney general's office, so the opinion of the enforcer is significant.</p> <p>So I guess with that background, what was the AG in Connecticut's involvement and did they support the bill in that office? Were they against the bill because it didn't have a prior redaction? And how did that all kind of shake out?</p>
<p><b>James Maroney</b></p>	<p>You know, they were very supportive and helpful in drafting it and they have great relationships with a lot of the other attorney general's offices. So they will be able to provide new background on how some of these other bills took shape and they were able to set up a call for me with a, you know, a representative from the California attorney general's office, their data privacy unit, so we can kind of find out about, you know, how is it going where it's actually been implemented and ask questions because you'll hear things, right? Advocates or lobbyists will say to me, "Well, they're doing this in this state, but they don't really like it. This is what they really think." And so, you know, primary sources are much more valuable, right? Going there and saying these are some things I've heard.</p> <p>And, obviously, sometimes things change over time, right? Like, I think that California attorney general at one point had a conference, was quoted as saying that, you know, the right to cure didn't turn out to be as bad as they thought or as hard as they thought and that they liked it. But, you know, in the next version of their privacy act, there is no right to cure and I think that's because things change, right? The businesses have had time to get used to it and so they feel it's no longer necessary. Again, so it's good to talk to as many people, I think, as you can and get as much background as you can.</p>
<p><b>David M. Stauss</b></p>	<p>I think that's... I think that's crucial. I mean, the brutally honest truth is we're making it up as we go along. And anybody that says otherwise, you know, isn't paying attention, right?</p>
<p><b>James Maroney</b></p>	<p>Right.</p>
<p><b>David M. Stauss</b></p>	<p>And the states can very much be the incubators of these and they can tweak it a lot quicker, as shown by the fact that California is going to be on its second version for the privacy act.</p>



Speaker	Statement
<b>James Maroney</b>	Right. 2.0.
<b>David M. Stauss</b>	You talked about California. You went with the Virginia model, which is, you know, derived from the Washington Privacy Act, and a version of that became Colorado law, as well. So you've got that model and your bill was out of that model. But then you've got the California model. And that's the CCPA. And that will become the California Privacy Rights Act in 2023. Was that model ever something you considered, that you debated or looked at?
<b>James Maroney</b>	That has been proposed in the past. I think it's probably the third or fourth year. You know, we've had, I think, let's see, two years that was probably proposed. And so we just – something that we were unable to get out of committee, I think. And so this, you know, looking at the Virginia model, it seemed there was more support coalescing around it. But, again, I know you live this. And I was kind of introduced and I've become very interested in it, you know, but it wasn't my initial interest, right? And so, I was trying to figure out the definitions. And I think in some ways looking at it, you know, Virginia defines the sale of data as purely for monetary, I believe. Whereas, you know, Colorado in its bill and what we had ended up – what I had ended up settling on was for monetary or other valuable consideration, right? And with the reason being that a lot of times, as you know, but other people may not be aware, that data isn't necessarily sold for money. It's traded, right? Different groups trade it. Data is its own currency. So, basically, if you're defining the sale of data as only for monetary consideration, you're just codifying existing practice for businesses. And so, you're telling people, "You know, you can opt out of the sale of your data, but I can give it away," right? As long as I don't get money, I can still give it. And so, in some ways, I feel like that's worse, right? Consumers feel like they have rights, but when it gets down to it, they don't really, you know, have rights.
<b>David M. Stauss</b>	Well, there's always this sort of... Like if you... You know, it's interesting, right, because you can – if you study these bills as much as guys like us do, right, you can see like these little tricks of the trade, right? And I always point out... You always look to the right to deletion, right? And, you know, just kind of picking up on your thought process there. And we look for the words, like are you – does the right to deletion extend to all data that the company has, or does it extend only to the data that they've collected directly from the consumer, right? Because that's a big difference.
<b>James Maroney</b>	Yeah.
<b>David M. Stauss</b>	You know. And just those – those few words make a big difference there.



Speaker	Statement
<p><b>James Maroney</b></p>	<p>And that's an excellent point. And that's something initially in the bill. We had it as applying just to data that had been collected about the consumer. But should it also apply to data that's been purchased or inferred, right? And so, that, you know, the great example of, you know, inferred. Someone who's going to... Another legislator is going to work with me next session on the bill was saying how he drinks this CBD tea every night, you know, before he goes to bed. It helps him calm down. You know, he's bought it online. His girlfriend has never bought it online, doesn't drink that tea, you know, has never googled it, you know, never searched for it. Yet now she gets ads for it because their phones are near each other, right? And so, it's data that's inferred about her that she would like that CBD tea or buy it for him, I guess, you know? I don't know which brand.</p> <p>So that is something that I think is part of the working group. And I had put that in there for the working group because that concept came, you know – actually, believe it or, well, believe it or not, but it was in discussions with Microsoft that pointed that out to me. Should this right apply to data that was, you know, purchased or inferred? You know, raise that question, I think. Because, as you said, it's something that in other states they look at and it's something I hadn't considered. So I think as part of the working group we will, you know, we will consider that.</p>
<p><b>David M. Stauss</b></p>	<p>So tell me about... You've raised this a couple of times now, this working group. What does that mean? Is that, is that something that starts, like, next month or is that something that starts when legislature opens?</p>



Speaker	Statement
<p><b>James Maroney</b></p>	<p>So it's, I guess, not a statutorily created working group. It's more, I guess, an ad hoc working group. I'll be putting that together. The plan is to meet four or five times prior to our legislative session – our legislative session starts in February next year – and to go over some of the issues in the bill. So we want to look at things like, you know, I guess the exemptions, right? So should it be an entity versus information level? And so, especially for the GLBA, for the financial institutions. And I think that, you know, we do have a big insurance industry in Connecticut and you don't want to harm industry, right?</p> <p>But again, as I said before, we're trying to protect our customer. And I think that, really, that area is where, you know... I mean, I can see the argument definitely for doing information level because you look at there are a lot of financial services firms who have products that are not related to their financial services that collect data, right? Like if you look at Capital One has that browser that will automatically put in the coupon codes for you. Or even the Allstate Safe Driver app. So if they're exempt, does that mean they can sell your data now on where you're going because they know everywhere you go so that they can give you safe insurance? Again, I don't know. And that's something we'll want to work through with – you know, hopefully get some folks like yourself on the working group. I want it to be equal, you know. We have industry representatives, small business. We have some advocates we've invited. And I'll put the invitation to you if you'd like to be part of it and could help us out.</p> <p>But there are going to be four or five meetings and I'm going to set the agenda so, you know, for those meetings as we go through to pick up the key topics. And some of them we had actually laid out in the, you know, in the bill – you know, the things we had wanted to look at. So one was looking at, you know, if we should have the right to cure, right? And now we have it. And I liked Colorado's language – “if it's deemed possible,” right? – which is one of the things why our attorney general didn't necessarily want it beyond what any other state had it, was that how do you un-sell someone's data, right? Especially since it's an opt-out, you know? So if someone has taken the time to opt out of giving you the permission of you selling their data and you still go and sell it, how do you undo that versus, you know... A cure is possible if you have the wrong privacy policy and, you know, some other things.</p>
<p><b>David M. Stauss</b></p>	<p>Right.</p>



Speaker	Statement
<p><b>James Maroney</b></p>	<p>So I did like that language that we borrowed. And then we borrowed some of the Florida language on a permissive cure. And so I think Colorado's right to cure sunsets. Ours goes, you know, it is – in some ways it is permissive, because it's if the attorney general deems it is possible to cure. But then it goes to laying out the conditions that they should look at it if deciding to give a right to cure. So...</p> <p>But that's one: the right to cure. I think I want to look at those exemptions. So the information exemptions can apply to, you know, and... So we do have, like, for retail merchants, right? And meeting with the retail merchants, you know, there is for a bona fide loyalty program, there is an exemption, just like in Colorado. But, you know, they said that, you know, there may be a case where they share data with a manufacturer on what they sell. So that's something I need to understand better, right? Does that need to be in or is that really not captured as part of this, which I don't think it is, but I'm not sure, you know? And so, that's something we need to clarify.</p> <p>I was speaking with... You know, I was visiting an automobile dealer, and so is transferring data from them to the manufacturer, is that captured? Well, you know, we do have in our law specific exemptions for carrying out a warranty. So if you're transferring data for purposes of a warranty and recall, then that's already excluded. But I don't understand what else they were looking for.</p> <p>So we're going to have one day, I think, dedicated to those different exemptions so people can present on what they might need and we can try to go back and forth on that. We'll have a day on the, you know, whether we should be extending it to data collected about – or data purchased or inferred about a person. I think that that's – you know, should we extend those rights further? And then the right to cure. And then I think we were also... I do want to look at... So Vermont and California have a data broker registry. So, and when speaking, you know, I've heard it was helpful for California. And, you know, we benefit – other states benefit – because you can look and search this registry, but is this something we would also want to include? So I do want to, you know, have a day dedicated to that: Go through some pros and cons. And I know... I believe in Vermont, there are a lot of exemptions put in into who actually had to register so that it ended up – and, again, everything is perspective on who you talk to – that some people feel that they omitted some of the key players who should have been included. And so, just how do we avoid those types of issues and how do we learn?</p>



Speaker	Statement
<b>David M. Stauss</b>	Let me ask you: We were talking in our pre-meeting, just talking about these, like, these groups that you'll have and people engaging in this process. It was my sense from – and this might be wrong; I'm sure I'll get yelled at by privacy advocates in this – but it was my sense talking with the lawmakers that I have, that the engagement of privacy advocates was perhaps delayed a little bit this year. And so I guess (a) my question would be, what was your experience with the privacy... It sounds like tech was engaged from the beginning?
<b>James Maroney</b>	Yes.
<b>David M. Stauss</b>	And it sounds like, maybe, privacy advocates came along later. What do you... And so (a) is that right? And then (b) what do you sense their involvement will be in 2022?
<b>James Maroney</b>	Yeah, no, I want to have a balanced working group, and so I have reached out to some of the advocates. I mean, you are correct in your assessment there. I think they came in later on. I had reached out to some of the groups earlier on and I guess that because they aren't as well-staffed or whatever, it didn't really get on their radar until the end. And, you know, a friend of mine who lobbies to represent some advocacy groups had told me, "Hey, I heard that there's an editorial that's going to be published opposing your bill. You may want to reach out to them." And so, you know, they didn't publish the editorial and we reached out to them and then, you know, in the end, then all of sudden, we did have a few groups reach out. And so, you know, like I said, I do want a balanced representation. And so, I'm hoping to have people, groups if I can such as Consumer Reports and others – some other consumer groups – to be part of it. I'm reaching out to AARP as well, to see if they would be interested. I have no idea, you know, whether or not they would be, but I'm just trying to think, Who are, you know, the groups who would, you know, represent interests of consumers?
<b>David M. Stauss</b>	Is the ACLU active in Connecticut? Do you guys have an active... They tend to be privacy advocates in and out of... It's very hit or miss, depending on the state, I think, frankly.
<b>James Maroney</b>	Yeah, no, there is an active group and I will have to reach out to them, as well. I haven't engaged them early on. And I think, you know, one of the things is, last session I was focused on policy versus focusing on building a coalition. And I think this time we'll be focused on trying to work with other legislators, incorporate, you know, some of their feedback. As I did late in the game start reaching out to a lot of other legislators there was, you know, some feedback that came in – people who wanted to see other things. And it is interesting, you know, and just in other discussions on other things how many times it comes up now. I'm noticing how many legislators I was hearing saying that they're interested in privacy, or they were the victim of identity theft so they're



Speaker	Statement
	<p>interested in privacy. So I think that that's a lot of what I'll be doing now is reaching out and trying to get some feedback from them.</p> <p>But some of the areas, you know, where, which are a little more complicated... But one was, like, with – in terms of pictures, if people put pictures of you up online, what is that? What are those rights? That was one issue that was raised. So, you know, the biometric is difficult, as you know, to figure that out, so...</p>
<b>David M. Stauss</b>	<p>You know, let me ask you on that. Is it... You know, what is your point of view as far as let's get something passed, it's on the books, we can tinker with it later? Or, do you take the point of view of saying, like no, I only want it on the books if it's – you know, if it's right? I mean, I'm not saying one is right or wrong, but just sort of, like, what's your approach to this issue? Would you rather be... Is it better to have something rather than nothing? Or, is it better to have nothing rather than something that's not perfect?</p>
<b>James Maroney</b>	<p>I wouldn't say we're aiming for perfection. You know I think, you know, another legislator, my predecessor, Senator Slossberg, had advised me once, "Don't let perfect be the enemy of good." So I think we're, you know, the goal is to have good legislation. My goal is to be balanced and fair, which unfortunately, you know, if a negotiation is fair it means both sides are upset, which makes it hard building that coalition when you're going in with a goal of upsetting both sides. But, you know, it's trying to protect the rights of citizens, right? But we don't want to harm industry. But, you know, at its core, this is a bill about rights and responsibilities, right? The rights of our citizens and corporate responsibilities for respecting those rights. And so, we want to try to get that right. But I think we've spent a few years – and a lot of times it takes three years or so to get this through and this will be my third attempt at it and there is one or two before, you know, I got it. So I'm hoping that this year the time is right, this coming session.</p>
<b>David M. Stauss</b>	<p>I feel you might not know the answer to this question, but I was kind of thinking it. So you've got... California's on the books. California Privacy Rights Act will be January 1st, 2023. Right now, Virginia is set to be January 1st, 2023. Colorado is July 1st, 2023 because the retail industry came in and said, "Do us a favor, guys: Make this July 1st instead of January," which, frankly, made sense to me. If, like, when you draft this, would you be looking for an effective date that is consistent with those bills, like 2023? Or, would you think you'd have to push it out a little bit further?</p>



Speaker	Statement
<b>James Maroney</b>	I think January 1st of 2023, which is what we had had in the bill. And so, my goal is basically that, you know, we're going to be giving consumers the rights the same day as before. It's just given us some extra time to work and build more awareness. And that was actually part of the working group, too, was to build awareness for people who may fall under this law but to build more awareness and build a coalition of support for another year or so.
<b>David M. Stauss</b>	Yeah, and so you mentioned that before – the coalition of support. One of the things I was going to ask you about is whether support for this bill is bipartisan or is it along party lines? What's been your, what's been your sense? I mean, my impression having interviewed people, is, like, this is actually one of those rare issues in life where, you know, in a country that's divided over everything, this is actually something where both parties kind of see eye-to-eye on a lot of these issues.
<b>James Maroney</b>	<p>Yeah, and the interesting thing is, I think around the country it is bipartisan so far. I think I lost a little bit of control of the narrative of what the bill does and it allowed. You know, I hadn't reached out to enough people on it and so I believe that some had portrayed it as being an anti-business bill so there wasn't bipartisan support yet. That doesn't mean there won't be because, as I've mentioned, a lot of the legislators who have been saying that privacy is important to them are Republicans, you know. So I think it's, you know, incumbent upon myself to reach out to them in the off-session and explain what this really does.</p> <p>And the fact that, look, you know, we've set the bar the same as Colorado. You have to control 100,000, the data of 100,000 unique Connecticut residents. I reached out to a retailer in my town who actually is more of a regional and sells something that – you know, he draws from all around the area, not just from our town – and said, "How many unique Connecticut residents visited your website last year? And remember that was during the pandemic when more people were shopping online than normal." And it was 42,000. So he wouldn't be drawn in. So the majority of the people who are getting drawn into this are already complying. They are already complying with either California or, you know, they will be complying with Colorado and with Virginia. And so, I think, going forward I'm going to have to ask the question, you know: Why don't our citizens deserve those same rights? You know, if you're already complying in those other states, why – which would deem you compliant in our state, you know, why are you fighting it here? So...</p>



Speaker	Statement
<p><b>David M. Stauss</b></p>	<p>It's actually kind of fascinating, right, when you think about that, is that the more states pass it, the arguments against it become harder and harder, right, because of what you just said. What is your sense of... I want to kind of ask you around, but... You mentioned Colorado and Virginia so... Yet you do see two more states this year jump in and pass legislation. Very similar bills. Colorado, you know, I think by all counts people would say more consumer-friendly than the Virginia bill, but, you know, based on the same Washington Privacy Act bill and obviously your bill was derived from the same. When you see Colorado and Virginia pass things, is it, Darn, I wish we were, you know, the next one to pass after California? Or, is it, like, you get inspired by that? I mean, what's kind of your reaction to that? And does it help your efforts? Hurt your efforts? You know, this sort of, like, these various states jumping in... Like, how does that dynamic work in Connecticut, I suppose?</p>
<p><b>James Maroney</b></p>	<p>I think it helps because, again, it gives more states that companies are going to have to comply and it gives example of... You know, sometimes people may say, "Well, we're not California," right? "And we're not Colorado. And we're not Virginia, either." But at least now there's a variety of states with different, you know, that are, I guess, more moderate or middle-of-the-road states, really, in Colorado and Virginia, so... And I, you know, I am very happy for the other representatives and senators who are able to get this across the line and I want to learn from them and I think that that's important – that we learn from other states and also that we do our best to keep our definitions consistent so that it is, you know, possible for people to comply, right? We don't to make it too onerous for people to comply to a patchwork of different regulations.</p> <p>But as you mentioned, you know, I was on a call with... So the state retail merchants set up a call with their national organization I can't remember. And the person I spoke with there had said that, you know, when he worked in the Senate back in 2001, I believe, they were talking about privacy legislation. So it's been 20 years they haven't done it. So I think it's time for the, you know, for it to bubble up from the laboratories of democracy and I guess, you know, the argument is always, as with a lot of things, this shouldn't be done state by state, it should be done federally. But if the federal government isn't going to act, I think it is up to the states. As well as, you know, there is the argument, Well, the constitution gives the power to the states for that which isn't, you know... If it's not given to the federal government and the constitution, it's left with the state. So I think you can make the argument that this should start in the states and bubble up.</p>



Speaker	Statement
<b>David M. Stauss</b>	Yeah, you sort of stole my thunder on the next, the next question, which was basically, you know, the role of the states versus the federal government. Talking with, you know, some of your peers, it's sort of like, "Well, sure, it would be great if the federal government did something, but they're not so we have to." And I get the same sense from you on that.
<b>James Maroney</b>	Yeah, exactly. And I think if you have enough states that pass it – I don't know what that critical mass is, but – then the federal government will have to act, I guess, in a way, so... And I think it's important that we give our attorney general the right, the ability to enforce these laws whether or not there is a federal law. There are a lot of, you know, federal laws that we also are able to enforce with our attorney general because we're protecting Connecticut citizens' rights, or Colorado citizens' rights, or whatever state it is.
<b>David M. Stauss</b>	But you – and I'm just going to ask you a couple more topics – but you alluded to enforcement there, mentioned enforcement there, I should say. Your bill, enforceable by the Connecticut attorney general's office, does not have a private right of action in it. This is obviously a sticking point if it has been in Washington. It was in Florida this past year. But it seems like there has been consensus at least in Connecticut that that's not going to be a private right of action state.
<b>James Maroney</b>	Yeah, that was one thing that we don't think we'll add. It's not my intent to add a private right of action. We do make it a violation of the Connecticut Unfair Trade Practices Act, which... There was some way of back door to a private right of action, but we did make it pretty clear that our intent is not to give a private right of action and that it's solely enforceable by the attorney general, which also takes it out, because the Unfair Trade Practices Act in Connecticut resides within the Department of Consumer Protection. But we wanted to make it clear that it was enforced by the attorney general. The attorney general does borrow that authority for different, for different bills.
<b>David M. Stauss</b>	Yeah, I think they're similar. If memory serves, I think they're similar. Nothing is creating a private right of action language in Colorado.
<b>James Maroney</b>	Almost, it seemed, yeah.
<b>David M. Stauss</b>	Yeah. So, last question. Before I do so, I want to again express my thanks for you joining us today. Make sure I don't forget that part and be a bad host.  But the last question is the one everybody is going to be asking when they listen to this, which is, are you going to do it next year? Do you think you'll be able to get this... Well, I should say, when does the legislature open? When does it close next year, if you know? And so, we have a little bit of, like, what our life is going to look like next year, And do you think you'll get it passed?



Speaker	Statement
<b>James Maroney</b>	<p>So we open first Wednesday after the first Monday in February, and we close first Wednesday after the first Monday in May. Connecticut... You know, some states you just resume where it left off the previous year. Connecticut, everything dies after the end of the session so we have to go through the committee process again. I do plan on reintroducing this legislation, and I do plan and I have a co-sponsor from the House this time who will be working on it with me, and so I think that that will be very helpful. And so, now I'm going to work on recruiting some co-sponsors, you know, from across the aisle. And so, I'm hopeful that we will be able to get something through next year. I think the fact that Colorado passed... I think if it had passed a little earlier and people were more comfortable rather than almost, you know, just stay so they didn't get, they didn't necessarily understand or have the chance to get comfortable with that, but because I was going back and forth with... Some of the lobbyists were just saying no, that this is what they have in Colorado, and I guess they hadn't fully read it yet or didn't as well because they were saying things weren't... But anyways... And then they reached back out to me after they read it and were like, "No, you were right. I'm sorry. We misunderstood." And so, I think that now that people have had the chance to fully digest it, that – and they're going to be complying there – I think it makes it a more reasonable expectation that we can get something across the line. And having a strong House co-sponsor. So now I just need some strong, some other strong co-sponsors from the, you know, a Senate Republican and a House Republican.</p>
<b>David M. Stauss</b>	<p>Well, if nothing else, I can guarantee you this: We will all be watching very closely at what you're doing and looking forward to seeing your bill and reading it when it gets introduced as well.</p> <p>Senator, I want to again extend my thanks to you for jumping on the podcast today. It's been a great conversation. I wish you all the best next year in pursuing this, this legislation.</p>
<b>James Maroney</b>	<p>Thank you very much for having me.</p>

