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Dear Senator Lawrence, Representative Berry and Members of the Joint Standing Committee on Energy, Utilities and Technology,

I am Senator Shenna Bellows representing Senate District 14, which includes the towns of Chelsea, Farmingdale, Gardiner, Hallowell, Manchester, Monmouth, Pittston, Randolph, Readfield, West Gardiner and Winthrop. I am here today to introduce LD 946, "An Act To Protect Privacy of Online Customer Information."

We can no longer choose whether or not to use the internet in today's society. We pay our bills online. We communicate with our health care providers and health insurance providers online. We communicate with the ones we love most in this world through email and text. And in an era of "smart" homes, there is so much more data about what we do in the privacy of our own homes – whether it's playing music or turning on the lights or the heat – happens via the internet.

For most of us, the internet is not optional. And for all of us who use the internet, ISPs are not optional.

In order to use the internet, we cannot choose whether or not to use an Internet Service Provider (ISP). The ISP is your on-ramp to everything you do online. They are the conduit through which all information flows from you and to you.

Because of this unique relationship as a facilitator of everything we do online, the ISPs have unique and unfettered access to everything we do. Our ISPs know when we're sleeping, they know when we're awake. They may know more about us than we know about ourselves.

This bill comes down to a single question: Should ISPs, be able to sell or share everything that they know about you – including your most private and sensitive personal information – without your consent?

I've brought this bill because I believe the answer is no.

The bill protects customer personal information defined in as among other items: the customer's social security number; customer's web browsing history; the application usage history; the customer's precise geolocation information; the customer's financial information; the customer's health information; information pertaining to the customer's children; and the content of the customer's communications. This is incredibly private data that your ISP has access to simply

by virtue of being your ISP. There is no way for your ISP not to have access to this data; should they be able to sell it?

Before the internet, there was the landline, and when you picked up the phone to talk to a loved one, you never imagined that the phone company would say to you, “Your conversation belongs to me, not you, and I can use everything you say in any way that I want, including profiting from it.” That’s absurd, but that’s what the federal government has said to the ISPs.

Before the internet or the phone, there was mail and when you popped a letter or a bill into the mailbox you never assumed that the US Postal Service would ever say 'That letter belongs to us, not you.' It should be the same for email and for anything you do online.

Who ‘owns’ what you send over the internet – whether it’s an email, an online payment or your sensitive medical information? The average person would assume that they own their own information. Indeed, while people commonly understand that what they post as “public” on Facebook, Twitter or Instagram might be seen by the whole world, it’s a common belief that other things you do online – whether it’s researching a medical condition, paying your bills or communicating one to one with loved ones – is private.

Unfortunately, without LD 946, nothing is private online.

Our founders would be rolling over in their graves. Privacy is inherent in the First Amendment freedom of speech and freedom of association, the Fourth Amendment freedom from unreasonable search and seizure and the Fourteenth Amendment equal protection under the law. As Americans, we share the belief that people should be free in their beliefs and their actions from undue influence or control by government.

Without commonsense protections like LD 946, the right to privacy is meaningless.

Now, I’ve heard from some that they would like to see this bill go further to regulate the activities of edge providers and companies like Google and Facebook. I would support that legislation too, but that’s a different bill because an Internet Service Provider is fundamentally different and vastly more powerful in its access to information than any other company. People can and do opt out of social media. Indeed, in these times, people are leaving Facebook in droves because of its horrible invasion of personal privacy. People can choose search engines that protect their individual privacy. But you can’t opt out of having an Internet Service Provider if you want to use the internet. In Portland or Bangor or much of southern Maine, you might have a choice of ISP in your home. You might choose to use an ISP that doesn’t sell or share your data like Maine-based GWI, who supports this bill. But what about areas of the state only served by one or two ISPs? And what about when you use your personal cell phone? If all of the carriers that provide cellular service are advocating for this power over your data, can anyone participating in modern society escape it? There would be no choice at all.

I’ve heard from others that it’s too late. There’s a fatalistic sense that privacy is impossible to protect. But that’s simply not the case. We as legislators have the power and the obligation to

stand up for our constituents, and this bill is carefully crafted to restore the balance back to the consumer.

The fundamental question is an important one that we have a responsibility to answer now. If we think that consumer consent and control over one's sensitive personal information is important, then, in the absence of federal action, we have a responsibility to act. Maine has long been a leader in the area of privacy. I am proud of our bipartisan coalition of support in favor of online privacy. I hope you will support LD 946. Thank you for your consideration. I would be happy to take any questions.