

OFFICE OF THE GOVERNOR

July 19, 2022

The Honorable Frank Pallone
Chairman
House Committee on Energy & Commerce
2107 Rayburn HOB
Washington, DC 20515

Dear Mr. Chairman:

I write today to express California's significant concerns with the American Data Privacy and Protection Act (ADPPA), currently under consideration. California is a national leader in protecting the privacy of consumers in this state, who already have robust protections, including the right to access, delete, and prevent companies from selling their personal information. And thanks to California voters, California is home to the first data protection agency in the United States, which possesses authority to defend Californians' constitutional right to privacy.

Unless amended, however, the ADPPA would undermine California's comprehensive consumer privacy protections in the California Consumer Privacy Act and the California Privacy Rights Act. Modeled in part on California's laws, the ADPPA would establish national privacy protections that will extend to hundreds of millions of Americans, many of whom live in states without robust data privacy laws. But national protections need not undermine the state protections Californians already enjoy.

California urges the Committee to amend the ADPPA to preserve our state's data privacy laws – significant parts of which were enacted by the voters of California. A carve-out for California's data privacy laws and regulations would

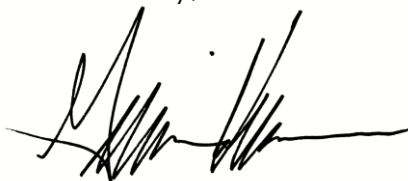
maintain the ADPPA's important impacts for other states, without diminishing California's strong existing protections.

California law protects key sensitive information such as union membership, religion, racial and ethnic identity, and importantly in these times, reproductive health data. As currently proposed, the ADPPA does not include some of these protections. These are but a few examples of why federal privacy legislation should set a floor, while permitting California to preserve its existing state laws and regulations and state enforcement authority.

California continues to lead on data privacy, and to adapt our laws in response to rapidly evolving technology. Currently pending in the State Legislature are pieces of legislation to strengthen privacy protections related to children's privacy and online engagement. Federal preemption would limit California's ability to respond in real-time to these and other emerging consumer protection issues.

The ADPPA is an important policy step to protect privacy -- but it should not come at the expense of the fundamental protections Californians already enjoy. It is imperative that any federal law that is enacted preserves California's existing authority to establish and enforce privacy protections. Thank you for your consideration of California's concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gavin Newsom', with a long horizontal flourish extending to the right.

Gavin Newsom
Governor of California

Cc: The Honorable Nancy Pelosi
Speaker of the U.S House of Representatives

The Honorable Anna Eshoo
Member, House Committee on Energy & Commerce

The Honorable Doris Matsui
Member, House Committee on Energy & Commerce

The Honorable Jerry McNerney
Member, House Committee on Energy & Commerce

The Honorable Tony Cárdenas
Member, House Committee on Energy & Commerce

The Honorable Raul Ruiz
Member, House Committee on Energy & Commerce

The Honorable Scott Peters
Member, House Committee on Energy & Commerce

The Honorable Nanette Diaz Barragán
Member, House Committee on Energy & Commerce