



409 7th Street, NW, Suite 250
Washington, DC 20004

April 16, 2024

Senator Thomas J. Umberg
Chair, Judiciary Committee
California State Senate
1021 O Street, Suite 6530
Sacramento, CA 95814

Senator Scott Wilk
Vice Chair, Judiciary Committee
California State Senate
1021 O Street, Suite 6530
Sacramento, CA 95814

RE: SUPPORT SB 1076

Dear Chair Umberg and Vice Chair Wilk:

On behalf of the Network Advertising Initiative (NAI), I write in support of SB 1076, legislation to provide narrow but important updates to the California Delete Act (the “Act”),¹ while preserving the Act’s requirement for a centralized, easy to use deletion mechanism for consumers.

The NAI is a non-profit, self-regulatory association dedicated to responsible data collection and use for digital advertising. The NAI has been a leader in this space since its inception in 2000, promoting the highest voluntary industry standards for member companies, which range from small startups to some of the largest companies in digital advertising. NAI’s members are providers of advertising technology solutions and include ad exchanges, demand and supply side platforms, and other companies that power the digital media industry by helping digital publishers generate essential ad revenue, helping advertisers reach audiences interested in their products and services, and helping to ensure consumers are provided with ads relevant to their interests. When providing advertising technology services to their customers, NAI member companies usually act as third-parties, service providers, or contractors for those customers under the California Consumer Privacy Act (CCPA),² and approximately one-third of our members are currently registered as data brokers on the California Data Broker Registry.³

The NAI recognizes the important goal of creating, through the California Privacy Protection Agency (CPPA), an easily accessible, and easy to use deletion mechanism (the “Mechanism”). To this end, we look forward to working with the CPPA by providing constructive input on behalf of NAI member companies.

Unfortunately, as enacted, the Delete Act creates a substantial risk that data brokers registered with the CPPA will be exposed to fraudulent and abusive deletion requests through the Mechanism. Specifically, the Act contains an element first created in the CCPA⁴ to recognize consumer requests submitted

¹ The Delete Act is now codified at Cal. Civ. Code Sections 1798.99.80 *et seq.*

² Cal. Civ. Code Sections 1798.100 *et seq.*

³ See https://cppa.ca.gov/data_broker_registry/

⁴ See Cal. Civ. Code Section 1798.185(a)(7); Cal. Code. Regs., tit. 11, Section 7063.

through “authorized agents,” or private entities working on behalf of a consumer.⁵ NAI members are concerned that the Act does not currently require any form of vetting or verification of authorized agents to ensure that they are legitimate businesses working on behalf of consumers they are claiming to act on behalf of. This could result in individuals or entities posing as authorized agents and purporting to act on behalf of a consumer making fraudulent deletion requests through the Mechanism.

The NAI encourages this Committee to support SB 1076 because the legislation would make a series of tailored amendments to the Act to help prevent fraud and abuse of the Mechanism. Further, the changes proposed would not hinder a consumer’s ability to make a single, effective request for deletion through the Mechanism or use a legitimate authorized agent to do so on their behalf. We welcome the opportunity to work with you, committee members, and the sponsors of this legislation to make these small but important changes to the Act. Please do not hesitate to contact me if you have questions or would like to discuss this legislation, or the underlying challenges, in greater detail.

Sincerely,

David LeDuc

Vice President, Public Policy

⁵ Cal. Civ. Code Section 1798.99.86(b)(8).