



January 18, 2023

Senator Adam P. Ebbin
Chair of the Senate General Laws and Technology Committee
Pocahontas Building, Room E520
900 East Main Street
Richmond, Virginia 23219

Senator David R. Suetterlein
Pocahontas Building, Room E519
900 East Main Street
Richmond, Virginia 23219

RE: Virginia SB 1026

Dear Chair Ebbin and Senator Suetterlein:

On behalf of the advertising industry, we provide input below on Virginia SB 1026.¹ We offer this letter to express our non-exhaustive list of concerns about this legislation, as well as the potential harms it presents to Virginia consumers.

We agree that personal data associated with teens and children deserves special consideration. However, we believe that SB 1026 is overly restrictive and ignores existing protections for children under federal privacy law and Virginia’s Consumer Data Protection Act (“VCDPA”). The Children’s Online Privacy Protection Act (“COPPA”) already requires parental consent for many online processing activities associated with personal data collected from individuals under age 13. The VCDPA presently acknowledges COPPA and states that companies that abide by its terms are compliant with VCDPA. This current approach under VCDPA aligns with existing protections for minors and strikes a better balance between consumer protection and permitting teen access to vital online informational resources than SB 1026.

Raising the age of “children” to include teenagers and banning certain data exchanges would impede Virginia’s teens from enjoying full access to and benefits from the modern economy. Without the ability to benefit from basic and vital data transfers, Virginia teens will experience a vastly different Internet and marketplace than their contemporaries in other states. If SB 1026 becomes law, teens in Maryland and West Virginia, for example, will have access to a more enriching and diverse array of content, viewpoints, voices, and information than teens in Virginia. SB 1026’s provisions could effectively curtail Virginia teens’ access to the greatest informational resource in modern history—the Internet.

SB 1026’s modifications to the VCDPA would also ensure that Virginia teens lose access to information about opportunities that could benefit them and their futures. The bill’s prohibition on targeted advertising and sales related to personal data associated with teens could functionally end

¹ Virginia SB 1026 (Gen. Sess. 2023), located [here](#).



Virginia high school seniors' ability to access information and learn about colleges, trade programs, military recruitment, and myriad other opportunities, including discounts on movie tickets, books, and sports equipment. Virginia should not enact a law that could stand in the way of teenagers' ability to plan for and dream about their futures or learn about products, services, and opportunities that may interest them.

* * *

We and our members support protecting consumer privacy. We believe, however, that SB 1026 takes an overly restrictive approach to the collection, use, and disclosure of personal data about consumers between the ages of 13 and 18 that will unnecessarily impede them from receiving helpful services and accessing useful information online. We therefore respectfully ask you to reconsider the bill. We would also very much welcome the opportunity to engage with you further about appropriate regulation for personal data associated with teens to help ensure they maintain their access to and benefits from the information economy.

Thank you in advance for your consideration of this letter.

Sincerely,

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