

March 25, 2025

Senator Thomas J. Umberg
Chair, Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

RE: SUPPORT for SB 361 (Becker) – Defending Californians’ Data Act

Dear Chair Umberg,

On behalf of the Electronic Privacy Information Center (EPIC), I am writing to express our strong support for SB 361, which would strengthen California's data broker registration requirements to provide greater transparency about the collection and sale of sensitive personal information.

EPIC is an independent nonprofit research organization in Washington, DC, established in 1994 to secure the fundamental right to privacy in the digital age for all people.¹ EPIC has a long history of advocating for safeguards and rules to limit the harms caused by data brokers.²

Data brokers collect and sell personal information about consumers without maintaining direct relationships with them. Recent investigations have exposed concerning practices where these brokers regularly sell sensitive information to federal agencies, including Immigration and Customs Enforcement (ICE) and other law enforcement entities. Access to this data could enable surveillance and enforcement actions that would disproportionately affect vulnerable populations.³ The lack of transparency surrounding these practices raises urgent civil rights concerns, particularly for immigrants who may face deportation threats, LGBTQ+ individuals who could be subject to surveillance, and communities potentially vulnerable to discriminatory data use.

SB 361 addresses critical gaps in current law by requiring data brokers to disclose whether they collect additional categories of sensitive personal information, including account login

¹ EPIC, *About EPIC*, <https://epic.org/about/>.

² EPIC, *FCRA Rulemaking: A Path to Reining in Data Brokers*, (2024) <https://epic.org/documents/fcra-rulemaking-a-path-to-reining-in-data-brokers/>; EPIC Comments to DOJ Regarding ANPRM on Access to Americans’ Bulk Sensitive Personal Data and Government Related Data by Countries of Concern (Apr. 19, 20224), <https://epic.org/documents/epic-comments-to-doj-regarding-anprm-on-access-to-americans-bulk-sensitive-personal-data-and-government-related-data-by-countries-of-concern/>; EPIC, *Data Broker Threats: National Security* (2024), <https://epic.org/wp-content/uploads/2024/05/Data-Broker-One-Pager-National-Security-2.pdf>; EPIC, *CFPB Fair Credit Reporting Act Rulemaking* (2024), <https://epic.org/cfpb-fair-credit-reporting-act-rulemaking>.

³ See e.g. EPIC and Just Futures Law, *How Data Brokers Harm Immigrants*, <https://epic.org/wp-content/uploads/2024/10/Data-Broker-Harms-to-Immigrants-One-Pager-1.pdf>.

credentials, government-issued identification numbers, citizenship and immigration status, union membership, sexual orientation, and biometric data. These enhanced transparency requirements will help Californians better understand which entities possess their sensitive personal information, make more informed decisions about deletion requests, identify potential surveillance risks to vulnerable communities, and support enforcement actions against violations.

For these reasons, EPIC strongly supports SB 361 and urges your leadership in advancing this important legislation through the Senate Judiciary Committee.

Sincerely,

Caitriona M. Fitzgerald

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