

Good morning Madam Chair and members of the committee, my name is Brad Griffin and I am the president of the Montana retail association. I'm happy to be here today to share some further perspectives on this complex topic. I want to compliment your staff attorney, Sheri Scurr, for writing the briefs because I think it was the most comprehensive tutorial on how we can take control of the data that is collected about us by all the websites that we visit. Ultimately, I think each of us needs to take control of this because nobody else is going to do it.

It was an eye opener to read about all the various governmental agencies, industry trade groups, and private companies who have grappled with how to give customers choice in how their personally identifiable information is collected and used.

In preparing for my testimony I have done much reading and had many conversations with lobbyists from around the country. My goal was to put together a list of principles and best practices that the retail community has endorsed in other states. I was also looking for ideas to avoid passing. In particular, I had a conference call last week with two lobbyists from the California Retail Association to find out what California has done about the ownership of the data. I was surprised, no stunned would be a better word, to learn that California, the most progressive state in the country, has passed no laws surrounding the ownership of data. So my next call was to my good friend at the New York Retail Association who has been their lobbyist for the last 20 years. I was surprised to learn that NY has not passed anything in this area either. So my research yielded precious little other than the revelation that our two most progressive states in the country have not passed legislation surrounding the ownership of personal data.

Additionally, I have done much reading about what the European Union, or the EU, has done. The United States has finished collaborative work with the EU and it is enshrined in the Privacy Shield that is outlined in Sherri's two issue briefs. While the Privacy Shield basically covers citizens of the EU and how firms in the United States treat their privacy, it would seem to me that much of this work will transfer to citizens of the United States just because of the precedence it sets, just like the laws that we pass in Montana sets a precedence for other states.

My reading has also taught me that each of us can dramatically impact the volume and type of ads that we see by going into Google Analytics and changing your personal settings. Each of us also needs to be sure and pay attention to the box that we can check on each web site we go to, particularly ones where we voluntarily enter our email addresses to be on that company's email list. Each of us also needs to be careful about the things we disclose on Facebook and other social media sites. Not everyone who reads those posts has our best interests in mind.

Finally, I don't know how many of you saw 60 minutes on Sunday, but there was a great piece on the vulnerability of our smart phones, which they said is basically a super computer that has more capability than the computers that first helped get the Apollo to the moon. They interviewed white knight hackers in Germany who help companies find their online vulnerabilities. One of them said, there are two types of people and companies, those that have been hacked and those that don't know they have been hacked. So, on that happy note, I will conclude.