

Mister Chair and members of the committee, thank you for the opportunity to provide this testimony today. My name is Camila Tobón and I am Of Counsel, privacy and data security attorney with Davis Graham & Stubbs and a member of the Legal Advisory Council, a group of legal experts that informs the work of the Denver Chamber of Commerce and Colorado Competitive Council. I am here today on behalf of the Chamber and the 3,000 members and 400,000 employees they represent.

We thank the bill sponsors for listening to, and understanding, our concerns with this bill and we welcome many of the changes made to date, including changes to bring more consistency between this bill and privacy law in other states, namely California and Virginia.

I wanted to articulate two concerns we see in the latest version of this bill. We've provided a full list of concerns to bill sponsors, but in the interest of time, I will focus on two priority issues.

First, the definition of consumer in 6-1-1303(6) should remain as someone "acting in an individual or household context." As a consumer bill, the Colorado Privacy Act aims to protect individuals whose data are used by the companies offering them goods and services. Adding to the definition of consumer other types of individuals like "job applicant" and "beneficiary of someone acting in an employment context" – where those types of individuals are more closely related to a company's employees and not their customers – would create confusion. It would also be difficult to manage operationally, as job applicant and beneficiary data is typically managed together with employee data, and not consumer data. Therefore, the original version of the definition of "consumer" should remain. This is consistent with the definition of "consumer" in the Virginia Consumer Data Protection Act.

Second, the exemption for "employment records" in 6-1-1304(k) should be clarified to cover all personal data processed about a member of the workforce, including contractors, directors, officers, and job applicants, not just employees. It should also cover benefits data given that companies administer benefits to employees and their dependents and typically manage that information together. Such an exemption would be consistent with the California Consumer Privacy Act, which groups employees together with job applicants, owners, directors, officers, medical staff members and contractors and exempts personal information collected and used in the context of that person's role or former role as well as for emergency contacts and benefits administration.

Again, we appreciate bill sponsors responsiveness to our concerns to date and hope to continue to work together. Thank you.