



[HB24-1130 Privacy of Biometric Identifiers and Data](#) | Rep. Lindsey Daugherty (D), Rep. Mike Lynch (R), Sen. Paul Lundeen (R). Sen. Chris Hansen (D)

**Committee Hearing:** Wednesday, February 14, 2024 @ 1:30PM

**Location:** Judiciary, HCR 107

**Chair:** Mike Weissman

**Position:** Amend

**Testimony:**

- Good afternoon, Mr. Chair and fellow committee members.
- My name is Drea Modugno, and I am here on behalf of the Denver Metro Chamber of Commerce which represents over 1,000 businesses in the Denver Metro Area.
- We appreciate the extensive stakeholder effort working to ensure that by adding increased protections to CPA our state will not be hamstrung with unintended consequences in the future.
- The Chamber supports clear, enforceable policy that enables companies to effectively comply with the law *and* do business in Colorado.
- We appreciate the opportunity to be a part of the dialogue today and share some of the topics we urge sponsors to continue engaging with stakeholders to address:
  - 1) Many states such as Maryland, Massachusetts, Illinois, and Washington have legislated these issues, and we ask the committee to consider looking to pre-existing terms and definitions to help achieve jurisdictional consistency with definitions and policy related to: Data Retention, Biometric Data, Consent, and Controller so businesses are better situated to both properly protect consumer data and do business in Colorado.
  - 2) We are also concerned about the incorporation of HR data regulations in this piece of legislation. We feel this goes beyond the provisions of Colorado's Consumer Protections Act, which focuses on protecting *consumer* privacy rather than employees. By conflating the two, there is ambiguity around which provisions within the bill apply to employee data rather than specifically consumer data, causing confusion around compliance.
  - 3) Lastly, we ask the committee to please consider providing further clarification on how consent is defined. As of right now, consent is defined as written and the language leaves room for doubt as to whether electronic consent would be allowed. We ask you to please consider services such as CLEAR that are available in our Denver Airport. It is their aim to try to get customers through security quickly and safely, and it is also what their customers are looking to them to provide. Companies such as CLEAR are eager to comply with Colorado policy to

continue providing their services in our state, but ambiguity around written versus electronic consent would make that difficult.

- I would like to thank this committee again for their robust stakeholder process that had led us here today and the opportunity to share our considerations on HB1130 – Colorado is on the forefront of passing impressive pieces of legislation to get ahead of privacy concerns, and it is imperative we get them right. Thank you for your time today.