



---

## Joint Commission on Technology and Science

### Consumer Data Protection Act Work Group

September 13, 2021, at 2:00 p.m.

Pocahontas Building, House Committee Room

<http://dls.virginia.gov/commission/jcots.htm>

---

The Consumer Data Protection Act Work Group (the Work Group) of the Joint Commission on Technology and Science (the Commission) met in Richmond with Delegate C.E. Cliff Hayes, Jr., chair, presiding.<sup>1</sup> The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#).

### Topics Identified with Regard to Implementation of the Consumer Data Protection Act

Delegate Hayes led a discussion related to the Consumer Data Protection Act (the Act). Chris Oswald, representing the Association of National Advertisers, spoke on potential issues with the Act's definition of "sensitive data." He pointed out the difficulties of using demographic data to reach out to particular underserved populations if the provisions of the law define such data as sensitive. Members had questions about businesses that want to serve diverse and underserved populations and collect racial demographic information about them, which can be used by companies to track their targets, according to Mr. Oswald. He gave an example of allowing a marketer that wants to engage potential customers to ask consumers to opt in to this data collection. Some members pointed out that opt-in provisions for behavioral advertisers are an industry custom, although in the context of tracking diversity these provisions may not currently apply to the use of data for that purpose. Mr. Oswald concluded that he will follow up and incorporate these comments and suggestions into ongoing discussions with the Work Group.

### Discussion

Members of the Work Group then discussed next steps. Delegate Hayes noted that member Dana Wiggins will be giving a presentation to the Work Group on the implementation of the Act. By November, the Work Group will draft and present a final report to the General Assembly. Members of the Work Group announced their choice of Delegate Hayes and Senator David W. Marsden to present legislation based on the findings of the Work Group during the upcoming session of the General Assembly.

### Public Comment and Next Meeting

The Work Group received no public comment. The Work Group's next meeting will be held in Richmond on October 13, 2021, at 2:00 p.m.

---

<sup>1</sup> **Members Present:** Delegate C.E. Cliff Hayes, Jr. (chair), Stacey Gray, Jim Halpert (virtual), Kier Lamont, Kyle Rosner, Samuel Towell

**Members Absent:** Senator David W. Marsden, Gil Bland, Evan Feinman, Rafi Martina, Rafi Ramirez, Dana Wiggins

---

For more information, see the [\*Commission's website\*](#) or contact the Division of Legislative Services staff:

Hassan Abdelhalim, Attorney, DLS  
habdelhalim@dls.virginia.gov  
804-698-1868

---