Joint Commission on Technology and Science

October 18, 2023, at 2:00 p.m.

General Assembly Building, House Committee Room B

http://dls.virginia.gov/commissions/jcots/jcots.htm

The Joint Commission on Technology and Science (the Joint Commission) met in Richmond with Delegate C.E. Cliff Hayes, Jr., chair, presiding.[1] The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the *Joint Commission's meetings webpage*.

Presentation: Application Modernization and Workforce Development
Jeremiah Sanders, Senior Transformation Strategist, VMware

The Joint Commission members received a presentation from VMware on how the Commonwealth can drive digital transformation using the Digital Operational Resilience Act (DORA) to ensure elite performing information technology (IT) organizations. DORA ensures capabilities such as continuous, lean management and monitoring, architecture, product and process, and cultural. Mr. Sanders also described VMware's Software Factory Model for Digital as a model that combines automation, ubiquitous layered abstractions, and culture of service to ensure adequate outcomes. Mr. Sanders provided several suggestions for the Joint Commission on how to tackle large scale IT transformations to include, learning how to work with IT in new and efficient ways, enabling a new way of work that focuses on mission outcomes, valuing constituent value and outcomes, and leveraging innovation and growth models.

Presentation: Xfinity Storm-Ready WiFi Technology
Terry Ellis, Vice President, Government Affairs, Comcast
Neil Mortenson, Manager, Product Management, Comcast

The Joint Commission members heard from two Comcast representatives on Xfinity's Storm Ready WiFi Technology. Ms. Ellis provided a description of Comcast's storm-ready WiFi which includes a storm-ready device and battery backup to help keep homes online for up to four hours through network and power outages using 4G LTE cellular network. Mr. Mortenson described how the storm-ready device provides WiFi coverage to an entire home and how it communicates detected outages to local Energy providers.

After hearing the presentation, Delegate Mike A. Cherry led the discussion by asking what the price range is for the storm-ready device. Mr. Mortenson responded by stating that the upfront purchase option is $242 while the finance option is $7 per month over three years. Both options are customer owned and non-contractual as long as they are Xfinity customers.

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[1] **Members Present:** Delegate C.E. Cliff Hayes, Jr. (chair), Senator Adam P. Ebbin, Senator Ghazala F. Hashmi, Senator David W. Marsden, Delegate Mike A. Cherry, Delegate A.C. Cordoza, Delegate Anne Ferrell Tata, Delegate Michael J. Webert

Members Absent: Senator Barbara A. Favola, Delegate Eileen Filler-Corn Delegate Suhas Subramanyam,

Data Protections for Children and the Consumer Data Protection Act Study Update

The Joint Commission members heard from Jenna Alexander and Lauren Klute with the Virginia Parent Teacher Association (PTA). They provided a presentation on student data protection and explained that most students have an online identity before the school years starts with Google accounts and emails, student assignment and assessment portals, and student learning applications such as Quizlet, however, all being created with parent or guardian permission and set up by teachers. They also stated that students can receive school communications through social media applications. Ms. Alexander and Ms. Klute stated that protections for student privacy should be expanded while educating families and students in technology. They also provided the Joint Commission with resources that they currently use for technology education such as FamilyTechTalk.

Delegate A.C. Cordoza asked the presenters to elaborate on potential reasons for calling to change the current Children and Teen's Online Privacy Protection Act (COPPA) age requirement from 13 to 16. Ms. Alexander and Ms. Klute specified that the age change should be expanded to protect students as they are entering high school age. They did not believe the age range should be expanded to 18 due to concerns with college aged students. Senator David W. Marsden followed-up by asking what the presenters believed would be a realistic time-frame to enact these safeguards and how much time would be needed if state legislation were to follow. The presenters stated that it is easier for local schools to implement permission clicks, to automate processes, to provide protections for teenagers.

The Practice of Unwanted Telephone and Text Message Solicitations Study Update

Staff counsel provided an update of existing laws and potential recommendations on the practice of unwanted telephone and text message solicitations study and HB1504 (Orrock, 2023). Staff counsel indicated that there are existing laws relating to unwanted telephone and text message solicitations, that enforcement measures of such provisions are generally covered by federal agencies and through the office of the Virginia General Attorney, and that HB1504 sought to strengthen existing Virginia law regarding text solicitations. Unfortunately staff has not received any response from interested parties to participate in the study.

Other Business

Senator Adam P. Ebbin directed staff counsel to conduct research on deep fakes and generative artificial intelligence (AI) policy considerations for drafting legislation, focusing on campaign advertising and consumer protection. Staff counsel provided the Joint Commission with preliminary findings and a document of considerations, including:

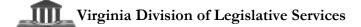Deepfake/Generative AI policy considerations for drafting legislation:

Campaign advertising deepfakes/generative AI

1. Definition of deep fakes/generative AI--regarding scope, extent of use, subject

(candidate, constituent, others)

2. Disclosure requirements--what to disclose and how, consistent with other campaign advertising disclosures or other requirements

3. Which advertisements are covered-- should it apply only to video, or any other forms of media

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4. Penalties--consistent with other campaign advertisement penalties or different

Deepfakes/generative AI and consumer protection

1. Crime vs. Consumer protection violation

2. Bolster current enforcement, and include deepfakes/generative AI as an additional category to watch for in existing enforcement tools (reporting methods, agency powers, resources for informing the public)

3. Potential workgroup for further study

4. Identify agencies, advocacy groups, stakeholders for input

Senator Ebbin posed a few questions for members to consider, including: (i) should we do anything preemptive to stop people from manipulating voice and image likeness; (ii) should we wait to deal with this topic after an incident occurs; or (iii) should we discuss ways to forbid it? Senator Marsden stated that it would be interesting to have further dialogue from Adobe to determine whether their technologies could determine deep fake creations as opposed to images that have been edited.

Delegate Anne Ferrell Tata thanked Senator Ebbin for bringing up this topic and expressed that she had questions about whether it would also apply to identity theft and would like to see what other states are doing. Members of the Joint Commission directed staff counsel to research this topic further.

Next Meeting

No date was set for the next meeting of the Commission.

For more information, see the *Joint Commission's website* or contact the Division of Legislative Services staff:

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