

Re: Senator Little's vote against the NYS Shield Act

From: Carmella Mantello <mantello@nysenate.gov>

To: [REDACTED]@protonmail.com>

Date: Sunday, February 16th, 2020 at 9:17 AM

I will pass your thoughts along to the Senator. Thank you.

Sent from my iPhone using IBM Verse

On Feb 15, 2020, 11:16:10 PM, [REDACTED]@protonmail.com wrote:

From: [REDACTED]@protonmail.com

To: mantello@nysenate.gov

Cc:

Date: Feb 15, 2020, 11:16:10 PM

Subject: Re: Senator Little's vote against the NYS Shield Act

Thanks so much for getting back to me, Carmella

Thanks for sharing Senator Little's views of the Sheid Act. As you know, Senator Little is adored throughout the North Country and has done a great job representing Upstate New Yorkers in the

Senate for almost 20 years. We appreciate her career of service (in both the Senate and in the Assembly) but unfortunately, she missed the mark on this one.

You wrote that Senator Little "is very concerned with the disastrous impact this now law may have on small businesses" which is what I would've guessed her explanation to be. But you then went on to explain in references to what 'reasonable security' is that "there is no information to guide small businesses as to what that means".

Said differently, you're claiming Senator Little decided that the law would have a 'disastrous impact on small businesses' despite her having 'no information' to understand what the law requires of small businesses. This strikes me as an extremely strange way for Senator Little to have made this legislative decision. And it's disappointing to hear her approach explained this way.

Broadly speaking I can't understand why Senator Little thinks that Upstate New Yorkers aren't deserving of 'reasonable security' practices for their digital data.

More concerning to me is the Senator's lack of support for Upstate New Yorkers being told when companies mishandle their data. The primary focus of the Shield Act is to require companies to disclose to their customers when companies have a breach in customer data. To illustrate the importance of this requirement the analogy of a car mechanic seems helpful. Imagine dropping your car off at the mechanic for routine maintenance and it being stolen while is in the care of the mechanic. Wouldn't you want your mechanic to call you and tell you? Would this be overly burdensome for mechanics or do you have a right to know?

One last thing I wanted to clear up was which part of the Shield Act states that the AG will do community outreach? The law claims the state's IT office will do training with 'state entities' (section 5 paragraph 8) but can you point me toward where it mentions 'community outreach'?

Senator Little and you and the team have done great work for the North Country and we truly appreciate the many years of effort spent. I also really appreciate you taking my initial call and continuing the dialog here. If at all possible I'd love for you to share my concerns with Senator Little and re-consider some of your office's stances on digital privacy in general.

Thanks a lot,

----- Original Message -----

On Friday, February 7, 2020 2:32 PM, Carmella Mantello <mantello@nysenate.gov> wrote:

Thank you for contacting me. As stated, this was an Attorney General departmental bill. This law updated NY's data breach notification law. While there are carve outs for larger already regulated industries, Senator Little is very concerned with the disastrous impact this new law may have on small businesses. The law now requires any business not already regulated by certain federal laws and NYS regulations with less than 50 employees, less than \$3 million gross revenue, or less than \$5 million in year-end assets to have "reasonable" security over a consumer's private information. While the bill only requires "reasonable" security based on size and complexity of the small business, there is no

information to guide small businesses as to what that means. The bill stated the AG had suggested they will put guides together and do community outreach. However, the AG's office is not required to do so under the statute. Senator Little feels the bill authorizes the AG to seek penalties from small businesses and adds another regulatory hurdle for such businesses.

For these reasons, Senator Little voted no on the Shield Act.

Again, thank you.

Carmella

Carmella R. Mantello
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From: 
To: "mantello@nysenate.gov" <mantello@nysenate.gov>
Cc: "little@nysenate.gov" <little@nysenate.gov>
Date: 02/06/2020 10:47 AM
Subject: Senator Little's vote against the NYS Shield Act

Good morning, Carmella. I hope all is well.

My name is [REDACTED] and I had talked to you on the phone a few weeks ago about Senator Little's vote against the Shield Act in the summer of 2019. You mentioned you'd be able to explore her justifications a bit and get back to me so I just wanted to touch base and see if you had any luck.

If it helps as a refresher, I'm hoping to understand why Senator Little would vote against the Shield Act. Here's a link to the bill:

<https://www.nysenate.gov/legislation/bills/2019/S5575>

Thanks,

[REDACTED]