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January 22, 2024

House File 2309 (Elkins)

Dear Chair Westlin and Members of the Legislative Commission on Data Privacy,

The National Federation of Independent Business (NFIB) represents over 10,000 small businesses across Minnesota. We advocate for the best interests of Main Street.

NFIB Minnesota appreciates the opportunity to comment on HF 2309, the Minnesota Consumer Data Privacy Act, and would like to express our gratitude to Rep. Elkins for the many thoughtful discussions about this proposal since it was first introduced in 2019.

Securing and carefully managing customer data is important to small businesses and necessary for their survival. However, most do not hold or process large volumes of consumer data or have in-house capabilities to adhere to complex regulatory regimes.

We believe Rep. Elkins' intent to adopt the United States Small Business Administration (SBA) definition of small business for the purpose of the bill's scope is appropriate for this type of regulation. The SBA small business thresholds are tailored by industry and reflect real world conditions.

We also support vesting enforcement power in a single enforcement entity, rather than settling disputes or alleged violations through expensive and unpredictable individual litigation. Ideally, administrative enforcement results in more consistent interpretation and guidance, as well as more consistent outcomes for consumers and covered businesses.

Again, NFIB Minnesota thanks Rep. Elkins for taking a thoughtful approach and looks forward to continuing to work with him on this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'John L. Reynolds', is written above the typed name.

John L. Reynolds
Minnesota State Director
National Federation of Independent Business
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