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THE VOICE OF THE INNOVATION ECONOMY

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January 31, 2023

The Honorable Chris Cournoyer
Chair
Committee on Technology
Iowa State Senate
1007 E. Grand Avenue
Des Moines, IA 50319

The Honorable Kevin Alons
Subcommittee Member
Committee on Technology
Iowa State Senate
1007 E. Grand Avenue
Des Moines, IA 50319

The Honorable Izaah Knox
Subcommittee Member
Committee on Technology
Iowa State Senate
1007 E. Grand Avenue
Des Moines, IA 50319

RE: SSB 1072, Relating to Ransomware and Penalties, Subcommittee Hearing, TechNet Amend

Dear Chair Cournoyer, Sen. Alons and Sen. Knox:

I am writing on behalf of TechNet to respectfully share our thoughts on amendments we think should be made to SSB 1072 to clarify the application of the bill. We support SSB 1072 if these clarifying amendments can be made. We thank Chair Cournoyer and the Senate Technology Committee for their work on this and other important issues affecting technological innovation and consumers of these technologies in Iowa.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents more than five million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance.

We suggest amending 715.6 by renumbering the paragraph in line 1 of page 2, and by adding the following paragraphs (2) and (3) accordingly:

Sections 715.4 and 715.5 shall not apply to

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(1) the monitoring of, or interaction with, an owner's or an operator's internet or
other network connection, service, or computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, maintenance, repair, authorized updates of computer software or system firmware, authorized remote system management, or detection, criminal investigation, or prevention of the use of or fraudulent or other illegal activities prohibited in this chapter subchapter in connection with a network, service, or computer software, including scanning for and removing computer software prescribed under this ~~chapter~~ subchapter. Nothing in this ~~chapter~~ subchapter shall limit the rights of providers of wire and electronic communications under 18U.S.C.§2511.
(2) non-payment or violation of the terms of a legal contract with the owner or operator; or
(3) complying with federal, state, and local law enforcement requests.

These amendments would clarify the scope of SSB 1072, so that companies would not be subject to compliance uncertainty. We do not believe that the bill aims to include instances in which companies would be complying with requests from law enforcement, nor that it is intended to apply to instances in which a customer has terminated payment for services rendered. This clarification in scope would be beneficial for companies providing services in Iowa, and keep the bill's focus on nefarious ransomware activities that are harmful to consumers.

Thank you for your engagement on this issue and for your commitment to working to protect Iowans. TechNet and its members share the goal of upholding the law and protecting consumers, government, and businesses from bad actors. We look forward to partnering with the Committee to resolve our concerns through these minor language revisions. Please reach out with any questions or further information that TechNet can provide on this matter.

Best,

Ruthie Barko

Ruthie Barko
Executive Director, Colorado & the Central U.S.
TechNet