

9 February 2022

Testimony to the House Government Oversight Committee – Encouraging Revisions to Provisions of House Bill 376

Chair Wilkin, Vice-chair White, Ranking Member Brown, and members of the Committee, I write to offer my thoughts on House Bill 376.

I am not a “tech guy” at all. I am a “justice” guy, however, and I’m a “personal property” guy as well.

As a fervent believer in personal-property rights, I applaud your efforts to protect the personal data of Ohioans. But we need to be able to protect those rights, given to us by God, through the civil-justice system, which we fought for, died for, and enshrined in our founding document, the United States Constitution.

I also believe fervently in free markets and the right to conduct business and earn a profit – I was born a capitalist and will die a capitalist. I understand that business owners are reasonably concerned about undue risk posed by unreasonable litigation.

But here we reach the fulcrum: **avoiding litigation is as simple as acting reasonably and following the law.** Any business person has the ability – and duty to fellow Ohioans – to do at least this much. A business’s right to make a profit stops at my right to own and protect my personal property in the form of my “data.” And if a business violates that right, I must have a right to redress that is personal to me.

Creating what would effectively be immunity by placing sole enforcement in the Attorney General does not comport with the history of this great country, and is simply not needed – our civil-justice system works for everyone, including businesses.

I urge you to amend H.B. 376 to include the following:

- Insert an unequivocal private right of action with a two-year statute of limitation.
- More clearly define “cure” for prohibited acts abridging data rights.
- Explicitly put jurisdiction for private causes of action in Ohio Courts of Common Pleas.
- Remove the “safe harbor” for compliance with the federal “best practices” document.

Thank you for considering my comments, presuming you do so, and thank you for your service to Ohio.

Tony Turley, Esq.