

**ACLU OF RI POSITION: SUPPORT/AMEND**

**TESTIMONY ON 25-S 1037,  
RELATING TO CRIMINAL OFFENSES – IDENTITY THEFT PROTECTION  
ACT OF 2015  
May 12, 2025**

This proposed legislation would amend the Identity Theft Protection Act of 2015 by, among other things, instructing municipal or state agencies to adopt policies to protect personally identifiable information from data breaches. We support continued efforts to strengthen protections against security breaches and to protect the data and information of all Rhode Islanders. These efforts are especially important in light of the data breaches that the state itself has suffered in recent years. Stronger safeguards are even more urgent when one realizes that the Governor’s budget for the upcoming fiscal year contains at least three provisions that seek to greatly expand the state’s gathering and use of electronic data, including personally identifiable data.<sup>1</sup>

Although we have not yet had sufficient time to thoroughly review this legislation because it was introduced so recently, we offer the following preliminary observations. Initially, we are concerned with the use of the phrases “industry recognized cybersecurity framework” (page 1, lines 8-9; page 2, line 7) and “industry recognized sanitization and destruction guideline” (page 2, line 2). In the absence of clearly defined standards, these statements of “frameworks” and “guidelines” may leave room for weak or inconsistent implementation. We similarly worry that relying on vague, industry-developed guidelines based on a self-regulating field may fall short of providing the necessary protections that Rhode Islanders deserve.

Additionally, we support the effort to strengthen the remedies associated with violations of this chapter. However, we would argue that the most important remedy that this bill could provide would be to authorize a private right of action for victims of data breaches. Under current law, only the Attorney General has the authority to bring claims, which can deeply limit the recourse available for victims of data breaches. A private right of action serves, in our view, as a much stronger incentive to encourage compliance with the law.

Protecting Rhode Islanders’ data is more important than ever. We appreciate this bill’s effort to achieve that critical goal. Thank you for considering our views.

---

<sup>1</sup> Article 3, Section 24 would expand the scope, reach, and use of the Rhode Island Longitudinal Data System, allowing for greater sharing of vast amounts of data among state agencies and external researchers. Article 5, Section 16 creates a financial institution data match system for tax collection purposes, and Article 3, Section 12 establishes a beefed-up internal audit and program integrity unit focused specifically on public assistance that calls for the implementation of “innovative technology and data sharing” designed to “detect, analyze and prevent fraud....”