

Attachment 3 - H 588 letter in opposition from CDIA



Consumer Data Industry Association  
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March 1, 2024

Senator Jim Guthrie  
Chair  
State Affairs Committee  
Idaho State Senate  
700 W Jefferson Street  
Boise, ID 83720

RE: Opposition to HB588 "Public Records Requests, Residency"

Chair Guthrie and Members of the Committee:

On behalf of the Consumer Data Industry Association (CDIA), I write to express concern regarding HB588, which establishes separate, slower response standards for lawful record requests based on the residency status of the requester, allowing custodians to wait up to 21 days to notifying nonresidents of delays.

CDIA, founded in 1906, is the trade organization representing the consumer reporting industry, including agencies like the three nationwide credit bureaus, regional and specialized credit bureaus, background check companies and others. CDIA exists to promote responsible data practices to benefit consumers and to help businesses, governments, and volunteer organizations avoid fraud and manage risk.

HB588 creates a second class of public records requests that consists of U.S. citizens, businesses, and other entities that do not reside in Idaho. Establishing a separate, extended response timeline up to 11 business days longer for out-of-state requesters, this bill creates unnecessary barriers for requesters who rely on a variety of public records to provide critical services like fraud protection and detection, background screening, check verification and even some government services reliant on independent databases.

CDIA understands that the legislature is considering HB588 in response to concerns surrounding repetitive, burdensome, and unwieldy records requests. However, HB588 does not contemplate the added administrative burden of having to determine whether a requester is a resident placed on records custodians. CDIA also questions the implicit assumption of HB588 that records requests from residents are somehow less likely to be repetitive, burdensome, or unwieldy.

Even if nonresident requests are somehow unique, HB588 merely incentivizes those making repetitive, burdensome, or unwieldy requests to designate a resident to make the requests on their behalf. As such, it is unlikely that HB588 will have the desired effect of substantially altering the volume, scope, or frequency of the repetitive, burdensome, or unwieldy requests driving this bill.

We respectfully urge the committee to reject HB588 and encourage the legislature to consider alternative approaches to address concerns about repetitive or voluminous requests that do not unfairly target nonresidents and do not unfairly conflate legitimate records requests necessary to provide critical services Idahoans rely on. CDIA and its members stand ready to work with all stakeholders to identify solutions to the concerns underpinning HB588. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary W. Taylor", is written over a printed name.

Zachary W. Taylor  
Director, Government Relations