



## KEEPING SENIORS SAFE BILL SIGNED INTO LAW

Consumer Federation of California and Legal Assistance to the Elderly, Inc., co-sponsored **AB 849 (Garcia)**, authorizing assistance programs serving victims of elder and dependent adult physical abuse to help them apply to the Safe at Home address confidentiality program.

Most victims of elder abuse are harmed by someone they know, often a relative. To escape mistreatment, leaving one's home may sometimes be the only option. Address confidentiality is vital for victims who have been forced to move to escape an abuser who continues to stalk, harass and abuse them.

Victims of domestic violence, sexual assault or stalking have been able to participate in the Safe At Home program to have an address designated by the program serve as the victim's mailing address for certain purposes (e.g., receipt of mail, service of process, state and local public records requests) to provide address confidentiality.

The "Keeping Seniors Safe" law extends the protections currently offered to victims of domestic violence, sexual assault or stalking to ensure that eligible elder or dependent adult abuse victims are aware of their eligibility, and may also apply to the address confidentiality program.

In this session, several additional CFC-supported bills to protect the elderly were signed into law by Governor Brown, which include:

- **AB 140 (Dickinson)** increases protection for elders financially exploited by "undue influence," or excessive persuasion, by people in positions of authority or trust.
- **AB 261 (Chesbro)** requires residential care facilities for the elderly to stop charging fees and requires refunds of prepaid fees for a deceased resident.
- **AB 663 (Gomez)** requires the administrator of a residential care facility to have training in cultural competency and sensitivity in aging lesbian, gay, bisexual and transgender minority issues.



## 2013 LEGISLATIVE SUMMARY

The following is a brief legislation update on key consumer rights bills (partial list):

### CFC-supported bills signed into law

**SB 46 (Corbett)** strengthens computer account privacy protections by requiring the state and businesses operating in California to provide real-time notification when there is reason to believe someone may have obtained a California resident's password, username, or answers to security questions.

**AB 127 (Skinner)** calls for the reduction of toxic flame retardant chemicals in building insulation while maintaining building fire safety.

**AB 140 (Dickinson)** increases protection for elders financially exploited by undue influence, or excessive persuasion, by people in positions of authority or trust.

**AB 261 (Chesbro)** requires residential care facilities for the elderly to stop charging fees and requires refunds of prepaid fees for a deceased resident.

**AB 658 (Calderon)** protects privacy for people using mobile medical apps, prohibits vendors from sharing confidential medical information.

**AB 849 (Garcia)**, co-sponsored by CFC, authorizes programs serving elder victims of physical abuse to help them apply to an address confidentiality program.

**AB 1149 (Campos)** helps to stop identity theft by requiring local government agencies to notify workers if their data has been hacked.

## 2013 LEGISLATIVE SUMMARY

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### CFC-supported vetoed bill

**SB 448 (Leno)** proposed an office to investigate possible gasoline price fixing; would have investigated illegal activity and recommended ways to reduce volatility of gasoline prices.

### CFC-supported 2-year bills

**SB 52 (Leno, Hill)** strengthens transparency provisions relating to campaign disclosure requirements for contributions and advertisements.

**SB 383 (Jackson)**, sponsored by CFC, restores consumer privacy for online credit card purchases, is being held for a Senate Floor vote in January 2014.

**SB 556 (Corbett)**, co-sponsored by CFC, holds government agencies responsible for conduct of subcontracted workers wearing uniforms or insignias of the agency.

**AB 25 (Campos)** provides social media privacy rights for public-sector employees.

**AB 462 (Stone)**, co-sponsored by CFC, requires residential care facilities for dependent adults and the elderly with 6 or fewer beds to have automatic fire sprinkler systems.

**AB 1291 (Lowenthal)**, co-sponsored by CFC, requires companies to disclose to users, upon request, all of the personal information that has been collected about them, and how that data was shared with other businesses.

### CFC-opposed 2-year bills

**SB 661 (Hill)** and **AB 890 (Jones)** allows products for sale in California that contain imported content to be labeled Made in USA.

**AB 1407 (Bradford)** would turn the low-income LifeLine telephone program into a voucher system for costly telephone plans and eliminate most Public Utilities Commission oversight.

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- **AB 918 (Cooley)** authorizes the Office of Emergency Services to prepare a specialized plan to mobilize senior citizens and disabled persons during an emergency or natural disaster.
- **SB 129 (Wright)** extends the surcharge for telecom universal service programs, which fund the deaf and disabled programs that are set to end on January 1, 2014 but instead will now expire on January 1, 2024.
- **SB 272 (Corbett)** makes it illegal for any nongovernmental entity to use an emblem to imply connection with any military or veteran organizations without approval, for the purpose of financial gain.

- **SB 609 (Wolk)** raises the fine for willful interference with the official duties of the Office of the State Long-Term Care Ombudsman so it is able to continue investigating and resolving complaints by or for residents of long-term care facilities and protecting residents' rights.

*Consumer Federation of California is part of a coalition of advocates working to enact a package of bills regarding abuse, neglect, and exploitation of older persons.*



## Mixed Results on Privacy Legislation

Governor Brown has signed into law several privacy bills, including the “eraser button” law that gives teens the right to delete social media posts and prohibits certain types of advertising from targeting them; the “revenge porn” measure to prohibit people from posting intimate photos or videos of others online; and another law that requires websites to detail how they respond to Do Not Track signals sent from users’ browsers.

CFC-supported data-breach bills were also signed into law: **SB 46 (Corbett)** strengthens computer account privacy protections by requiring the state and businesses operating in California to provide real-time notification when there is reason to believe someone may have obtained a California resident’s password, username, or answers

to security questions. This will make it possible to immediately change access information and prevent or limit financial losses and theft of personal data. **AB 1149 (Campos)** helps to stop identity theft by requiring all local government agencies to notify their workers and constituents if their electronic data has been hacked, as the state and the private sector are already required to do.

Another CFC-supported bill, **SB 658 (Calderon)**, signed into law, closes the loophole in the existing protection of Confidentiality of Medical Information Act (CMIA) rules and protects privacy of people using mobile apps for medical purposes.

Internet companies and their lobbyists fought hard against some key consumer privacy bills that we support.

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**SB 383 (Jackson)**, sponsored by CFC, ran into ferocious opposition by industry lobbyists, with Apple leading the charge. SB 383 restores online credit card privacy protections. It would permit online businesses to collect only a customer's zip code and other limited information necessary to combat fraud or identity theft, or to complete a customer-initiated transaction. A recent State Supreme Court decision exempted online merchants from credit card privacy protections that have been the law for over two decades. Online databases are highly vulnerable to hacking and reports allege that iTunes and other Apple databases are a favorite for identity thieves. Apple gathers personally identifiable information alongside credit card

numbers, from customers downloading iTunes, and uses this information for marketing purposes. SB 383 is eligible for a Senate Floor vote in January.

**AB 1291 (Lowenthal)** requires companies to disclose to users, upon request, all of the personal that has been information collected about them, and how that data was shared with other businesses. Despite commitments to transparency from companies like Facebook, Google, and Microsoft, industry groups that represent them heavily lobbied against the bill. AB 1291 is a two-year bill.

CFC keeps fighting for consumer privacy and data protection – and we appreciate our supporters who continue to assist us in our efforts. Your voice is critical and makes a difference.



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## Time for a Privacy Uprising?



**BY RICHARD HOLOBER**  
**EXECUTIVE DIRECTOR**

Google and Yahoo are indignant over revelations that the NSA hacked into their hyper-secure data storage vaults around the world.

But these corporations have no sense of shame when they are caught snooping on the electronic activities of tens of millions of private citizens.

Google Street View cars travel the world to photograph and offer panoramic views of every neighborhood on Google Maps and Google Earth websites. Their photo cars also contained Wi-Fi antennae that captured password protected Wi-Fi transmissions as they drove by homes in 30 countries. The company captured and decoded 600 gigabytes of data from inside homes, including emails, passwords, VoIP phone calls, bank account details and other private information, beginning in 2007. That's the equivalent of 200 million emails intercepted, decoded and stored by Google.

The company's response was to vehemently deny, then gradually acknowledge the extent of their privacy invasion. Finally Google CEO Eric Schmidt stated "we screwed up."

But in a response to a privacy lawsuit, Google told the 9<sup>th</sup> federal circuit court that the transmissions you send from your computer to a Wi-Fi modem located ten feet away in your living room are "radio communications" that are immune from privacy protection. Google's official position in court is that a consumer using an ultra low frequency wireless computer in his or her home over a password protected link to a bank is the same thing as a radio station broadcasting a baseball game over a public high frequency radio antenna to listeners throughout Los Angeles or the Bay Area.

In another case, Google admitted that it scans every email sent over its Gmail system, stating that "a person has

no legitimate expectation of privacy" when using their service.

It argues to the court that it has a right to read the contents of your email. It's equivalent to the US Postal Service looking not only at the addresses on an envelope, but also opening and reading the letter inside the sealed envelope. Yahoo has acknowledged it has a similar email scanning policy.

California lawmakers have been unwilling to enact privacy laws in the face of opposition from these and other corporate benefactors. Perhaps it is time to place privacy protection directly before the voters. We believe corporate claims of privacy invasion prerogatives would be swept aside in the court of public opinion.



## ABOUT US

The Consumer Federation of California (CFC) is a non-profit advocacy organization. Since 1960, CFC has been a powerful voice for consumer rights, campaigning for state and federal laws that place consumer protection ahead of corporate profit. Each year, CFC testifies before the California legislature on dozens of bills that affect millions of our state's consumers and appears before state agencies in support of consumer regulations.

Contributions are not tax deductible.



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# Toxic Building Insulation Standard in Hands of State Fire Marshal

Governor Brown signed CFC-supported AB 127 (Skinner) into law, directing the California State Fire Marshal to consider fire safety without the use of ineffective, toxic flame retardant chemicals that are commonly used in building insulation. Many of these toxic chemicals have been linked to cancer, decreased fertility, hormone disruption, lowered IQ, developmental problems, and environmental pollution.

Plastic foam insulation is used in buildings to achieve energy efficiency goals, and flame retardant chemicals have been added to these materials to pass a flammability test. While the standard has not specifically called for the use of toxic flame retardants on plastic

foam insulation, it has been common practice to use them to meet flammability requirements.

But adding flame retardant chemicals to building insulation has been shown not to benefit fire safety for most applications.

Because AB 127 was signed into law, the State Fire Marshal will review the flammability standards for building insulation materials. Based on this review, she will propose updated insulation flammability standards by July 1, 2015 that will: (1) maintain overall building fire safety, and (2) ensure that there is adequate protection from fires that travel between walls and into confined areas, including crawl spaces and attics,

for occupants of the building and any firefighters who may be in the building during a fire.

Once implemented, AB 127 will make building insulation safer and less toxic, without reducing fire safety for building occupants.

