



February 16, 2022

The Honorable Curt Bramble
Utah State Senate
320 State Capitol
Salt Lake City, UT 84114

Dear Chairman Bramble:

On behalf of BSA | The Software Alliance, I write to share concerns about significant unintended consequences that may arise from SB 198. BSA^[1] is the leading advocate for the enterprise software industry domestically and globally. Our members create the technologies that power the businesses of other companies and enable the digital transformation of industry sectors across the economy. BSA members provide cloud infrastructure services, customer relationship management software, human resources management programs, identity management services, and online collaboration software. As providers of enterprise software solutions, BSA members' business models do not depend on monetizing individual users' data and they recognize that they must earn their corporate customers' trust and act responsibly with their data.

SB 198 is intended to impose transparency requirements on social media corporations by regulating the manner in which they notify users about content moderation practices. The bill mandates specific elements that must be included in a content moderation notification and prohibits social media corporations from including any additional information about their moderation policies. SB 198 would also require social media corporations to provide detailed notification within 24 hours of moderating content associated with a Utah resident's account.

As SB 198 is deliberated, we ask that you consider its potential impacts on the broader set of technology companies that inadvertently get swept into its scope by virtue of the bill's broad definitions. As currently drafted, SB 198's definition of "social media corporation" is likely to include a much broader array of online service providers than intended. Unlike social media companies, enterprise service providers generally do not have a direct relationship with individual end-users and often lack the technical and legal capability to prevent the distribution of individual pieces of content or to provide bespoke notification to individual end-users. For these reasons, efforts to regulate the content moderation practices of social media companies must carefully ensure that other online services are not inadvertently swept in.

^[1] BSA's members include: Adobe, Alteryx, Atlassian, Autodesk, Bentley Systems, Box, Cisco, CNC/Mastercam, DocuSign, Dropbox, IBM, Informativa, Intel, MathWorks, Microsoft, Okta, Oracle, PTC, Salesforce, SAP, ServiceNow, Shopify Inc., Siemens Industry Software Inc., Splunk, Trend Micro, Trimble Solutions Corporation, Twilio, Unity Technologies, Inc., Workday, Zendesk, and Zoom Video Communications, Inc.

The issues that SB 198 are trying to address ultimately relate to much broader questions about the appropriate roles and responsibilities of online intermediaries in the digital economy. Given the national dimension of these issues, we are concerned that a rush to legislate at the state level could give rise to a patchwork of laws that will ultimately fail to serve the public while undermining the competitiveness of companies well beyond the social media organizations that are animating the debate.

We hope you will consider us a resource on this important matter and would welcome the opportunity to engage with you or a member of your staff directly to discuss our concerns.

Sincerely,

A handwritten signature in blue ink that reads "Tom Foulkes". The signature is written in a cursive, flowing style.

Tom Foulkes
Senior Director, State Advocacy