Legal Services Advocacy Project

February 28, 2026

The Honorable Matt. D. Klein
Chair, Commerce & Cons. Prot. Comm.
Minnesota Senate
2105 Minnesota Senate Building
St. Paul, MN 55155

The Honorable Gary H. Dahms
Ranking Minority Leader, Commerce & Cons. Prot. Comm.
Minnesota Senate
2219 Minnesota Senate Building
St. Paul, MN 55155

Re: SF 4199 – Surveillance Pricing

Dear Chair Klein, Ranking Minority Leader Dahms, and Members of the Commerce & Consumer Protection Committee:

The Legal Services Advocacy Project (LSAP) writes in strong support of SF 4199, which prohibits surveillance pricing. LSAP provides policy, legislative, and administrative advocacy on behalf of Legal Aid's clients, including low-income Minnesotans, Minnesotans with disabilities, and elder Minnesotans. Legal Aid's Senior Law Project has unfortunately seen too many instances of elder abuse, including financial abuse, which encompasses theft.

Surveillance pricing raises serious privacy and ethical concerns, and its use can have discriminatory impacts on various segments of Minnesotans. The Federal Trade Commission has described a "shadowy market that third-party intermediaries use to set individualized prices for products based on consumers' characteristics and behaviors, like location, demographics, browsing patterns and shopping history."[1] Race, gender, and other socio-economic factors should not, but are, used to determine a particular price for a particular consumer. Consumers are completely unaware of how information gathered on them is used to create individualized pricing.

One publication reported that "negative effects are also becoming increasingly clear, including invasions of privacy, increased prices, and unfair competition by the dominant companies that can amass and process the necessary volume of data to engage in these practices."[2] More disturbingly, certain groups are especially at risk. Persons with disabilities are "uniquely vulnerable to these practices due to several risk factors. Many people with disabilities regularly purchase items related to their disability, and do not have much choice in what they need, or when they need it. They may also be limited in where they can shop due to mobility limitations, difficulty finding accessible transportation, or other factors related to their disability. Algorithmic data analysis is now sufficiently sophisticated to allow firms to identify the essential nature of particular products (like bandages or wheelchair repairs) for a person with a disability, infer that the person would pay more for that product, and offer that individual a higher price."[3]

Allowing surveillance pricing brings us down a dangerous road. LSAP urges the committee to support SF 4199.

Sincerely

Ron Elwood

Supervising Attorney

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[1] Federal Trade Commission, *FTC Surveillance Pricing Study Indicates Wide Range of Personal Data Used to Set Individualized Consumer Prices*, January 17, 2025.
[2] Ariana Aboulafia and Nina DiSalvo, *Priced Out: How Surveillance Pricing Leaves People with Disabilities At Risk,* Tech Policy Press, May 28, 2025.
[3] *Id.*