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April 27, 2026

The Honorable Matthew D. Klein
Chair
Senate Commerce and Consumer Protection
Minnesota State Senate
2105 Minnesota Senate Building, St. Paul, MN 55155

Re: SUPPORT — SF 4100 — Digital Choice Act

Dear Chair Klein and Members of the Committee on Commerce and Consumer Protection,

On behalf of the Electronic Privacy Information Center (EPIC), I write to express strong support for SF 4100, the Minnesota Digital Choice Act, and encourage its hearing and advancement. This legislation is a key piece of the puzzle in encouraging responsible technology innovation that protects privacy and puts users first. Despite arguments from industry groups, a strong data portability rule, such as the one proposed in SF 4100, does not undercut privacy.

EPIC is an independent nonprofit research organization in Washington, DC, established in 1994 to defend the fundamental right to privacy in the digital age for all people.[1] EPIC has long advocated for comprehensive privacy laws at the state and federal levels.[2]

Data portability rules, like those proposed in the Digital Choice Act, allow individuals to download their data in a usable format so they can try new platforms without having to start from scratch and leave platforms they no longer want to be part of. The Digital Choice Act focuses on social graph information to encourage competition in the social media platform ecosystem.

When similar legislation was considered in Utah last year, industry groups opposed it under the guise of protecting privacy.[3] It is outrageous for companies that use and share our personal data for targeted advertising purposes hundreds of times a day to claim they cannot innovate on ways to provide a data portability interface that protects user privacy and security while allowing individuals to access their data.

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[1] EPIC, *About EPIC*, https://epic.org/about/.
[2] *See* e.g. EPIC, *The State Data Privacy Act: A Proposed Model State Privacy Bill*, https://epic.org/the state-data-privacy-act-a-proposed-model-state-privacy-bill/.
[3] *See e.g.* Letter from the Computer & Communications Industry Association to Utah Governor Spencer Cox (Mar. 2025), https://ccianet.org/wp-content/uploads/2025/03/CCIA-Veto-Request-on-UT-HB-418-1.pdf.

This legislation realigns incentives for social media companies and opens the door to innovation. Platforms will no longer be able to trap users through control of their data; instead, they will have to compete by offering safer, age-appropriate, and more enriching online experiences. This is particularly critical for young people, who face well-documented risks of anxiety, depression, and addictive behaviors on engagement-driven platforms.

Minnesota has long been a leader in promoting innovation and consumer choice. By lowering the barriers for new platforms to onboard users and build communities, the Digital Choice Act will foster a more open, competitive, and innovative digital ecosystem—one where distinct business models and healthier algorithms spur economic growth and safer online experiences. Platforms will compete with privacy protections, useful content, and vibrant communities.

The harms of the current digital ecosystem are too great to ignore. The Digital Choice Act offers a common-sense, forward-looking framework that empowers individuals, safeguards privacy, and shifts the balance of power away from platforms and back to Minnesotans. The Digital Choice Act, paired with the passage of a strong data privacy law, would make Minnesota the leader in encouraging responsible tech innovation.

EPIC respectfully urges the Legislature to pass SF 4100 this session.

Sincerely,

s/ Caitriona Fitzgerald
Caitriona Fitzgerald
Deputy Director, EPIC