

Digital Content Next

Legal and Legislative Committee
May 12, 2020

Agenda

US Federal Efforts re COVID-19

Update on CCPA Regulations, CPRA Filed

Update on Maryland Digital Advertising Tax Legislation

French and Australian Competition Authorities Rule that Platforms
Must Pay for Content

Legal and Legislative Day – Postponed

Congressional Response re: COVID 19

- Congress/WH negotiations stalled re next stimulus
 - DCN supporting funding for local news organizations
 - No strings attached (to reduce potential for political leverage)
 - Corporate affiliates should qualify
- Senate Commerce R's introduced COVID-19 Consumer Data Protection Act
 - Affirmative, express consent required
 - Transparency re data use
 - Data security and minimization
 - Allows for state AGs to enforce
 - Preempts state law

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AG Becerra aiming for July 1 enforcement

- But has NOT sent draft regulations to OAL
- Next Steps:
 - AG submits final regulations to Office of Administrative Law (OAL)
 - OAL has ~~30~~ 60 days to review, must submit final regulations to Secretary of State by:
 - May 31 for a July 1 enforcement;
 - August 31 for a November 1 enforcement



Mactaggart filed California Privacy Rights Act (CPRA) Initiative

- Intended to align more closely with GDPR
 - Purpose specifications, etc
 - Creates new enforcement agency
 - Would take effect on Jan 1, 2023 (applies to all data collected after Jan 1, 2022)
- Next Steps:
 - Over 900,000 signatures (only 623,000 required)
 - CA election officials must verify signatures by 6/25
 - Process can take a month or more
 - Then would be on November ballot

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MD Governor vetoed HB 732

- Would impose a tax on digital ads in MD
 - Sliding scale by global revenue
 - \$100m - \$1b = 2.5%
 - \$1b - \$5b = 5%
 - \$5b - \$15b = 7.5%
 - \$15b and up = 10%
- MD Legislature could try to override veto if/when it resumes session (May?)
 - Requires 3/5 majority, both chambers had bare minimum in final vote

Nearly identical bill introduced in NY

- Unclear if it will move, could be folded into budget

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Google flouted French law implementing EU Copyright Directive

- Told publishers they would no longer show snippets below article links in search unless publishers waived license fees

French Competition Authority

- Ruled that Google has abused dominant market position
- Ordered Google to negotiate “in good faith” within 90 days

Australian Competition Authority had been negotiating with platforms on voluntary code of conduct since 2019

- Called off negotiations after slow progress
- Will now issue mandatory regulations in July
- Platform requirements to include:
 - Revenue Sharing
 - Transparency re algorithms
 - Access to user data
 - Presentation of news content

DCN may submit comments to support revenue sharing

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May reschedule for fall 2020

Working on a series of virtual sessions

- More details to come

Other Issues?