

January 14, 2026

The Honorable John Hunt, Chair
House Commerce and Consumer Affairs Committee
New Hampshire House of Representatives
Legislative Office Building
33 N. State Street
Concord, NH 03301

Re: Opposition to HB 1589, the Digital Choice Act

Dear Chair Hunt and Members of the Committee:

I write on behalf of the Software & Information Industry Association (SIIA) to respectfully urge you to oppose HB 1589, the Digital Choice Act.

SIIA represents hundreds of companies that build software and information services used by New Hampshire residents, small businesses, schools, hospitals, and state agencies every day. We share the goal of giving people meaningful control over their data and encouraging healthy competition online.

We appreciate the intent of HB 1589 to provide social media users with more control over their personal data. However, the approach taken by the bill would create privacy and security risks for users' data that undermine this intent. The bill would require certain social media services to build a universal connector that lets a user's profile, connections, posts, and activity flow continuously between many different services – including services the original platform may not know, trust, or be able to monitor. That may sound simple, but in practice it creates serious risks for privacy, safety, and system security, and it could force companies to display content that does not meet their standards. Our chief concerns around this core challenge are explained in greater detail below.

First, the bill would require importing and displaying content from other services (a compelled "carry" obligation). HB 1589 requires companies to "share" a user's social graph "between" the services a user designates. That kind of two-way obligation means a platform may have to take in and show content coming from another service. If that happens, it undermines a platform's ability to set and enforce community rules, to protect users from scams and harassment, and to decide how content is organized and shown. It also raises serious constitutional concerns by pressuring private companies to display speech they did not choose to carry.

Second, the bill would make privacy protections weaker, not stronger, by pushing sensitive data to third parties without guardrails. A "social graph" is not just a list of friends. It can reveal a

person's interests, relationships, and patterns of activity. Once that data is copied out to other services and third parties, the original platform cannot realistically ensure it is used safely, kept secure, or not resold. Just as importantly, it becomes far more difficult to honor a user's privacy choices – including deletion. If a user deletes a post or closes an account, a platform can delete what it controls, but it cannot guarantee that copies held by many outside services are also deleted.

This is not a theoretical concern. HB 1589 would allow users to authorize third parties to receive updates when new or changed social-graph data is available. That creates an attractive target for bad actors. For example, it would be easy for a scammer to trick a user into approving a “helper” app that quietly pulls down a rich set of personal data, then misuses it. The bill does not clearly enable a platform to refuse or cut off known bad actors, or to require basic security and accountability from every third party that wants access.

Third, the bill mandates continuous, real-time interoperability that is not realistically achievable for many existing systems and would impose major costs with limited countervailing consumer benefits. Modern social media services were built as tightly integrated systems where privacy settings, permissions, safety tools, and performance are designed together. Retrofitting them to support real-time sharing through open protocols is not like flipping a switch. It requires deep redesign of data models, identity and permission systems, monitoring and threat detection, and abuse-prevention tools, and it further expands the attack surface in ways that are hard to predict. For consumers, the promised benefit (moving data) can often be achieved through safer, user-initiated portability tools without turning platforms into always-on data pipelines.

For these reasons, we respectfully recommend the committee not move HB 1589 forward. If the legislature wishes to pursue greater data portability and user choice, we encourage a narrower and safer path – one that focuses on user-initiated exports and transfers, not continuous real-time sharing, along with clear security and accountability rules for any third party that receives personal data. SIIA would welcome the opportunity to work with you on approaches that strengthen consumer control and competition while preserving privacy and safety. Thank you for your consideration.

Sincerely,

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