

January 21, 2026

Representative Bob Lynn
Chair, House Committee on
Judiciary
107 North Main Street
Concord, New Hampshire 03301

Representative Dennis Mannion
Vice Chair, House Committee on
Judiciary
107 North Main Street
Concord, New Hampshire 03301

Representative Alice Wade
107 North Main Street
Concord, New Hampshire 03301

RE: Letter in Opposition to New Hampshire HB 1694-FN

Dear Chair Lynn, Vice Chair Mannion, and Representative Wade:

On behalf of the advertising industry, we write to oppose New Hampshire HB 1694.¹ We provide this letter to offer our non-exhaustive list of concerns about this bill. HB 1694 would significantly expand consumer opt-out rights beyond those provided under current New Hampshire law. The bill would also create a new data broker registry that would require registration by many companies not traditionally considered data brokers, including processors. In addition, HB 1694 includes several provisions that are not aligned with existing New Hampshire privacy law. Accordingly, we ask you to decline to advance the bill as drafted out of the House Committee on Judiciary (“Committee”).

As the nation’s leading advertising and marketing trade associations, we collectively represent thousands of companies across the country. These companies range from small businesses to household brands, advertising agencies, and technology providers. Our combined membership includes more than 2,000 companies that power the commercial Internet, which accounted for nearly 20 percent of total U.S. gross domestic product (“GDP”) in 2024.² By one estimate, approximately 18.8% of New Hampshire jobs in 2024 were related to the ad-subsidized Internet, a share projected to increase to 20.4% by 2029.³ Our group has more than a decade’s worth of hands-on experience it can bring to bear on matters related to consumer privacy and controls. We would welcome the opportunity to engage with the Committee further on the points we discuss in this letter.

¹ New Hampshire HB 1694-FN (2026 Session), located [here](#) (hereinafter, “HB 1694”).

² S&P Global, THE ECONOMIC IMPACT OF ADVERTISING ON THE US ECONOMY, 2024-2029 at 4 (Aug. 2025), located at https://theadcoalition.com/wp-content/uploads/2025/08/TAC_SP-Global-Final-Report_August-2025.pdf.

³ *Id.* at 15-16.

I. HB 1694 Would Adopt a Broader Opt-Out Right than Existing Law

HB 1694 would significantly expand consumer opt-out rights under current New Hampshire law.⁴ Rather than limiting opt-outs to specific categories of processing, the bill would allow consumers to opt out of the processing of personal data “for any purpose,” subject only to narrow statutory exceptions. As a result, a consumer could require a data broker to cease virtually all non-exempt personal data processing, regardless of purpose. This represents a substantial departure from the current New Hampshire Data Privacy Act (“NHDP A”). Under the NHDP A, effective January 1, 2025, consumer opt-out rights are provided for processing personal data for targeted advertising, the sale of personal data, and certain profiling activities. NHDP A implements these rights by requiring controllers to honor opt-out preference signals only for targeted advertising and sale.⁵

In short, NHDP A reflects the consensus approach across U.S. state privacy laws, in which opt-out rights are purpose-specific and carefully scoped. Harmonization with existing privacy laws is essential for creating an environment where consumers in New Hampshire have a consistent set of expectations and the same rights as individuals in other states, while minimizing compliance costs for businesses operating in the state. HB 1694 abandons this consistency by replacing consumers’ current rights to opt-out of processing for targeted advertising and sales with a near-universal opt-out right applicable to almost all processing activities, marking a dramatic expansion beyond the existing state law.

II. HB 1694 Would Create Enormous and Costly Responsibilities for New Hampshire

HB 1694 would establish a California “Delete Act”-style online portal to process deletion requests in New Hampshire, which would be premature and risk imposing substantial costs and operational burdens on the state without the benefit of real-world experience.⁶ Requiring New Hampshire to stand up and administer a similar centralized deletion portal by the bill’s January 1, 2027 effective date would also saddle the Secretary of State with a complex, resource-intensive mandate before any state has demonstrated that such a system can operate effectively, securely, or cost-efficiently. New Hampshire should avoid establishing a data broker portal, especially one that could impose significant fiscal burdens and introduce new data security risks for the state.

III. HB 1694 Would Require Processors to Register as Data Brokers

HB 1694’s proposed definition of “data broker” is materially broader than those adopted in other states and risks sweeping in entities that are not traditionally understood to be data brokers. Unlike Vermont, Texas, and California, where data broker laws apply to businesses that knowingly collect and sell personal data of consumers with whom they have no direct

⁴ HB 1694 § 1 (“(e) Opt-out of the processing of the personal data for [purposes of targeted advertising, the sale of personal data] *any purpose*, except as provided in RSA 507-H:6 *and* RSA 507-H:10, or profiling in furtherance of solely automated decisions that produce legal or similarly significant effects concerning the consumer.”).

⁵ N.H. Rev. Stat. Ann. § 507-H:6(V)(a)(1)(B).

⁶ Cal. Code Regs. tit. 11, § 7601 et seq.; HB 1694 § 507-H:17(I).

relationship, HB 1694 would extend the definition so “data brokers” would include both controllers and processors.⁷ This expansion is significant because processors typically act at the direction of controllers and do not independently determine how or why personal data is used. HB 1694’s inclusion of processors risks capturing service providers, such as analytics vendors or advertising third-party partners, that do not operate data brokerage businesses.

The bill’s “data broker” definition departs from the targeted approach used in other states and would create uncertainty for a wide range of companies that lack direct consumer relationships and do not process data as a primary business. By narrowing the definition to focus on entities whose principal business is the commercial sale of consumer data, the Committee would better align the bill with established data broker frameworks in other states.

IV. HB 1694 Would Adopt Inconsistent Definitions with Existing Law

The NHDPA currently consists of Sections 507-H:1 through 507-H:12. HB 1694 would amend Section 507-H:4 and add new provisions beginning at Section 507-H:13, including new definitions and enforcement provisions, suggesting that this bill is intended to operate as a stand-alone statute. However, because HB 1694 would appear immediately after the NHDPA within the same statutory chapter, the Committee should clarify whether it is intended to align with New Hampshire’s existing privacy framework, as the current structure creates uncertainty for regulated entities and enforcers.

HB 1694 defines the term “personal identifying information” broadly to include any information, including sensitive information, that is linked or reasonably linkable to an identified or identifiable individual, including certain pseudonymous information.⁸ By contrast, the NHDPA defines “personal data” similarly but expressly excludes de-identified data and publicly available information and separately defines “sensitive data.”⁹ These definitions are not aligned, and HB 1694 also introduces new terms, such as “minor” and “known minor,” that do not exist in the NHDPA.¹⁰

Harmonizing HB 1694 with existing NHDPA definitions would preserve strong privacy protections while maintaining the terminology already adopted by the General Court. The Committee should consider cross-referencing the NHDPA’s definitions, which would help provide clarity for businesses making good-faith efforts to comply with New Hampshire’s privacy laws. The lack of consistent definitions within the same chapter increases interpretive risk and compliance complexity. Absent further clarification, HB 1694 risks creating a patchwork of overlapping and inconsistent privacy standards in New Hampshire law, increasing costs for businesses and consumers without corresponding privacy benefits.

⁷ Compare Cal. Civ. Code § 1798.99.80(c), 9 V.S.A. § 2430(4), and Tex. Bus. & Com. Code § 510.001(4) with HB 1694 § 507-H:13(I).

⁸ HB 1694 § 507-H:13(VI).

⁹ N.H. Rev. Stat. Ann. § 507-H:1(XIX), (XXVIII).

¹⁰ HB 1694 § 507-H:13(IV),(V).

V. HB 1694 Would Adopt Inconsistent Requirements for Data Security Programs

HB 1694 departs from the requirements established by the NHDPA by replacing a flexible, risk-based data security standard with a prescriptive, operationally rigid regime. The NHDPA requires controllers to implement “reasonable administrative, technical, and physical data security practices” appropriate to the volume and nature of personal data, allowing organizations to scale safeguards based on context and risk.¹¹ By contrast, HB 1694 imposes a detailed mandate on data brokers to develop and maintain a comprehensive, written information security program that specifies employee designations, training programs, disciplinary measures, physical storage requirements, among other requirements.¹² This level of statutory mandates goes well beyond the NHDPA’s approach to protecting personal data, significantly increasing compliance burdens while reducing flexibility to tailor safeguards to actual risk. In doing so, HB 1694 disrupts the NHDPA’s balanced framework by converting a reasonableness standard into a checklist-driven compliance exercise, creating inconsistency across New Hampshire’s privacy laws.

VI. HB 1694 Should Align the Deletion Timeline with Existing Law

HB 1694 would also require registered data brokers receiving a deletion notification to effectuate data deletion within fifteen days, a substantially shorter time period than the forty-five period permitted for other deletion requests submitted through the NHDPA.¹³ HB 1694’s shortened timeline could present significant operational challenges, as data brokers have mapped compliance processes to the existing forty-five day timeline under the NHDPA and a fifteen day time period significantly cuts the response time period provided under existing law. By requiring deletion to be completed within fifteen days, the bill would increase the risk of error even for well-meaning data brokers intending to comply and may lead to conflicts with other legal obligations that require retention of data.

VII. HB 1694 Should Explicitly Incorporate Existing New Hampshire Exceptions

HB 1694 would add new provisions to the end of the statutory chapter containing the NHDPA. A data broker receiving notification that deletion is required would be required to delete the personal information within fifteen days.¹⁴ Although HB 1694 relies on the deletion mechanism established by the Online Portal, as created by HB 1694’s proposed § 507-H:17, it does not expressly incorporate the statutory limitations and exceptions that apply under the NHDPA.¹⁵ As a result, the bill would create confusion regarding what information is subject to a deletion request, particularly in situations where data retention is legally required or necessary to comply with other laws, protect free expression, cooperate with law enforcement, or defend legal claims, among other important exceptions that are already recognized under New Hampshire law. To avoid unintended consequences, we respectfully recommend clarifying that

¹¹ N.H. Rev. Stat. Ann. § 507-H:6(I)(c).

¹² HB 1694 § 507-H:16.

¹³ HB 1694 § 507-H:17(V); N.H. Rev. Stat. Ann. § 507-H:4(III).

¹⁴ HB 1694 § 507-H:4(III)(f).

¹⁵ N.H. Rev. Stat. Ann. § 507-H:10.

deletions under HB 1694 are subject to the same exceptions that apply to other deletion requests under New Hampshire law. We urge the Committee to revise HB 1694 to clarify that the exceptions in the NHDPA apply to HB 1694.

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We and our members strongly support meaningful privacy protections for consumers. We believe, however, that HB 1694 will not further meaningful consumer protections in New Hampshire. As currently drafted, the bill would create conflicting terms that do not align with the NHDPA, causing confusion and undue compliance burdens. We therefore respectfully ask the Committee to decline to advance HB 1694 as proposed.

Thank you in advance for your consideration of this letter.

Sincerely,

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