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February 23, 2023

Rep. Drew Stokesbary, Ranking Member  
Washington State House of Representatives  
Appropriations Committee  
Post Office Box 40600  
Olympia, WA 98504

Rep. Chris Corry, Ranking Member  
Washington State House of Representatives  
Consumer Protection & Business Committee  
Post Office Box 40600  
Olympia, WA 98504

RE: **Vote YES on HB 1392, Promoting the fair servicing and repair of digital electronic equipment and Chambers amendment**

Dear Reps. Stokesbary and Corry:

The House Appropriations Committee is scheduled to take executive action today on HB 1392, the Right to Repair bill, and an amendment to it, sponsored by Rep. Kelly Chambers.

NFIB strongly supports this legislation based on a **supermajority favorable vote of our members** on a recent state member ballot. We also support the Chambers amendment.

We ask Republican members of the House Appropriations Committee to stand with NFIB and its more than 7,000 small-business owner members in Washington state by voting in favor of the bill and the Chambers amendment.

As you are no doubt aware, Republican members of the House Consumer Protection & Business Committee all voted no, either do not pass (3) or without recommendation (3), when that committee took executive action on HB 1392. Given opponents' late, and ultimately unfounded, allegations of data breaches and similar misconduct alleged to have occurred at the hands of small-business owners, perhaps such skepticism was warranted at that time.

However, those claims and the sensational blogpost headlines cites by opponents have been fully debunked.

- The [study](#) by researchers at University of Guelph in Ontario, Canada, was based on a **statistically invalid sample** of visits to just 12 computer repair shops – of all sizes – in the greater Ontario area. Two other visits, where repairs were performed in front of the customers and no data breach occurred, were excluded from the results. **No where does the study claim small repair shops have a higher propensity for privacy violations** than other sized firms. Indeed, **the study specifically calls out Apple and its primary repair contractor Best**



**Buy's Geek Squad for "... invading device owners' privacy** at the behest of the FBI, potentially **circumventing** device owners' **Fourth Amendment rights**. In addition, individuals have reported the **theft of their nude pictures by Apple store and Geek Squad technicians."**

- The bill sponsor also asked the state's Attorney General's Office and association of prosecutors to delve into records of any complaints or allegations of customer privacy violations by small computer repair shops here in Washington state. Despite an imperfect cataloguing system, the **AGO's Consumer Protection Division reported it** had not "... located and **[does] not recall** seeing **any complaints about the posting of images or other data by repair shops."**
- Similarly, the **Washington Association of Prosecuting Attorneys stated**, "[a] few individuals have seen cases similar to the situations ... discussed .... Essentially, someone takes a device to some kind to a repair shop and the technician took something from the device (usually nude photos). But even in large counties this is a rare case. So, while I **can't say this situation never happens**, I can say **it is rare that it makes its way to prosecutors."**

As we've previously noted, violations of customer data privacy rights are already punishable by at least four state statutes, in addition to civil suits brought under state constitutional and tort protections. HB 1392 does nothing to diminish any of those protections. We believe the Chambers amendment would strengthen them by increasing consumer notice and understanding of their legal rights, as well as suggest efforts customers could take themselves to better protect their data and privacy, prior to having a device serviced.

As to concerns that some sort of **intellectual property** or **trade secrets** could be exposed if individuals or small repair businesses were able to repair Apple devices, the bill sponsor has asked opponents to provide examples of the type of proprietary information that could be at risk. To the best of my knowledge, **opponents have thus far been unwilling or unable to provide any such examples** of the risk posed.

Finally, please keep in mind that computer repair shops in your local communities already perform these exact same type of services for devices made by numerous other OEMs. HB 1392 would simply allow them to continue serving customers in the very same way, but for devices from all OEMs. And these shops would pay market rates to the OEMs for tools, parts, instructions, and other materials needed to make these repairs safely and securely.

Washington's small business owners strongly encourage you to **vote YES on HB 1392 and the Chambers amendment.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick L. Connor".

Patrick Connor

NFIB Washington State Director