



SIIA

2023 POLICY PRIORITIES





January 2023

Dear Colleagues:

For more than 50 years, the Software & Information Industry Association's (SIIA) team of policy experts has represented members across the information and technology industries on the most important public policy matters affecting the business of information both in the United States and abroad. Our policy team is up to speed on the most pressing issues of the day and brings to bear decades of combined practical experience to help our members in shaping a healthy environment for the creation, dissemination and productive use of information.

To get a sense of the important work we have planned for this coming year, we proudly present our 2023 Policy Priorities.

We look forward to working with you in the coming year.

Sincerely,

Paul Lekas
Senior Vice President, Global Public Policy

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2023 Policy Priorities

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Introduction

The Information Lifecycle

The Software & Information Industry Association (SIIA) is the principal trade association for the software and digital information industries. SIIA's membership includes more than 500 software companies, search engine providers, data and analytics firms and digital publishers that serve nearly every segment of society, including business, education, government, healthcare and consumers. It is dedicated to creating a healthy environment for the creation, dissemination and productive use of information.

Our mission is to **advance the information lifecycle – creation, dissemination and productive use**. While our members innovate new products, grow economic opportunities and create solutions – we advocate for and shape the policy debates impacting their businesses. That debate happens in these foundational areas:



Privacy & Data Protection:

Automated decision making; biometrics; cross-border data flows; data driven privacy compliance; diversity, equity and inclusion; federal and state privacy legislation; and privacy enhancing technologies



Digital Policy

Artificial intelligence and machine learning; content policy; cybersecurity; digital trade; diversity, equity and inclusion; financial information and international/EU



Education Technology

Diversity, equity and inclusion; education law; investment in education; promoting education technology; student data privacy and workforce



Intellectual Property

Competition; content policy; copyright; diversity, equity and inclusion; DMCA Section 512 and 1201; modernizing the copyright office and patent



Amicus and Litigation

First Amendment; information policy; intellectual property; privacy and state sovereign immunity



Privacy and Data Protection Policy

Advancing Comprehensive Federal Privacy Legislation

SIIA supports privacy as a fundamental value, one essential to individual autonomy and a functioning democracy. We believe a federal data privacy standard that harmonizes meaningful consumer safeguards with appropriate business compliance will ensure smooth implementation of uniform data privacy practices. We support a federal privacy law that:

- Establishes one national standard that preempts state laws.
- Protects the processing and use of publicly available information and other data in the public domain supporting innovation and socially beneficial uses and aligning with First Amendment protections.
- Support small business and the U.S. digital economy by limiting the potential for abusive litigation based on technical violations that do not affect legal rights or create injury to consumers.
- Addresses concerns about the lack of tech accountability, competition within and across markets, and transparency around the collection, processing, and use of consumer data, to streamline business compliance.
- Provides meaningful consumer safeguards while promoting innovation and democratic values.

Advancing State Privacy Legislation

SIIA advocates for state privacy laws that provide consumer safeguards, predictability for industry and alignment with other laws to avoid what has become a growing patchwork of privacy regimes in the United States.

Promoting Socially Beneficial Uses of Publicly Available Information

SIIA is a leader in advocating for preserving the right of its members to transmit accurate, lawfully acquired information and protecting a free flow of information in the public domain. We support:

- Policies that support use of information in the public domain to uphold socially beneficial purposes.
- Maintaining the right of our members to distribute lawfully acquired, accurate public domain information available in government records and in widely distributed media.



Privacy and Data Protection Policy (continued)

Federal Trade Commission

SIIA supports the FTC's role in preserving the information environment by fostering fair business practices in the digital economy and cracking down on deceptive and unfair practices. As the FTC pursues new initiatives in the digital economy, We support:

- Continued focus on fraudulent or deceptive conduct.
- Continued focus on business practices that cause demonstrable consumer harm.
- Ensure that the FTC's enforcement and regulatory efforts remain inline with its statutory mandate.

Privacy Enhancing Technologies

SIIA advocates for policies to accelerate adoption of privacy enhancing and privacy protective technologies (PETs). We support:

- Government and intergovernmental initiatives to evaluate PETs as pilot projects and promote widespread operational use.
- The advancement of standardization efforts that will serve to foster broader market use of PETs, understanding the clarity will drive market adoption.
- Development of rules to encourage or incentivize PETs adoption in the private sector in critical industries such as financial services and healthcare.
- Elevating public policy discourse to highlight PET-driven solutions to critical business, mission and social challenges.
- Using PETs to solve challenges in data sharing and analysis across borders and jurisdictional, organizational, and security boundaries.

Advancing Diversity, Equity and Inclusion

Diversity, equity and inclusion are critical to society. In the context of privacy and data protection, we support efforts to advance diversity, equity and inclusion as a core piece of meaningful privacy reform. This includes attention to intentional and unintentional practices that may disproportionately affect consumers associated with different groups.



Education and Children's Policy

Promoting Education Technology

SIIA serves as the key champion for the education technology industry representing small, medium and large businesses making products for PK-20 education partners. We support:

- Policies that support the unique partnership between schools and education technology vendors.
- Policies that support innovation in the education space to improve all student outcomes.
- Equitable, accessible and inclusive education supported by education technology.
- A robust National Ed Tech Plan (NETP) from the U.S. Department of Education's Office of Education Technology that recognizes the unique connection between educational technology companies and state/local education agencies and aligns with relevant federal frameworks.

Advocating for Investments and Policies to Support Robust Education

SIIA advocates for increased investment in all levels of education and encourages policies to bolster a robust education. We support:

- Ensuring that schools have access to the funding and guidance they need to address and measure the impact of the pandemic had on student learning and to develop prompt intervention efforts.
- Access to high-quality, affordable digital learning experiences in K-12 and higher education.
- Continued investment in ESEA Title IV-A to support well-rounded education, accessible and instructional technology, safe and healthy students and the effective use of education.
- The availability of comprehensive social emotional and mental health resources for students, educators and parents.
- Support for educators through policies that support increased wages, retention and high-quality professional development to help them be safe and succeed in their jobs.
- Funding for and updates to E-rate and dramatically expanding broadband access across all parts of our country.
- Robust investments in the Institute of Education Sciences, the Department of Education's Education Innovation and Research Program and the National Science Foundation.



Education and Children's Policy (continued)

- Policies to support STEM education for early learners to learners looking to complete a credential to bolster their career.
- Increased awareness of and funding for adult education and literacy needs, advancing opportunities for adult learners to fully participate in a competitive global economy.

Protecting Children's and Student Data Privacy

SIIA supports policies that protect student, child and minor privacy, safety and the security of personal information. We support:

- Policies that protect the privacy, safety and security of students.
- Policies and legislation that protect child, teen and parent rights and align with emerging global standards that do the same.
- Continued investment in the Privacy Technical Assistance Center (PTAC) which has been invaluable for the education community as we look to protect student data privacy.
- Clear guidance based on the benefits and risks of technology which provides rules for the road.
- Robust engagement with all stakeholders - students, parents, educators, administrators and industry.
- Consideration of the unique role education technology companies play in providing educators access to important data to improve student learning outcomes.

Advancing Diversity, Equity and Inclusion

Diversity, equity and inclusion are critical to a well-rounded education. We support:

- Valid, comparable, equitable data to measure the impact of the pandemic on students and instructional systems across a state provided by summative assessments.
- Inclusion of diverse perspectives to support well-rounded learning across subject areas and courses in PK-20 education, including history, social studies and civic education.



Education and Children's Policy (continued)

Supporting the Responsible Use of Emerging Technologies

SIIA works with our members and policymakers to understand the benefits and risks of incorporating emerging technologies such as artificial intelligence in education. We support:

- Continued engagement between policymakers and industry to understand the benefits and challenges of emerging technologies.
- Policies that encourage innovation and protect end users.
- Policies designed to foster trustworthy and responsible AI practices between education technology companies and PK-20 education partners.
- Advancing education sectoral-based approaches to AI guidance and regulation tailored to practices, uses, needs and impacts of AI tools in PK-20 education.
- AI being used as a tool to support the student learning experience.
- Elevating understanding and pedagogy around the quality of training data relied on by advanced AI tools in the education sector.



Artificial Intelligence Policy

Responsible and Ethical Artificial Intelligence and Machine Learning

SIIA is a thought leader in advocating for risk-based, technology-neutral policies and regulations designed to foster innovation while addressing key risks associated with the development and use of AI and ML tools. We support:

- Policies designed to foster trustworthy and responsible AI practices, including the mitigation of unintentional bias in algorithms and training data.
- “Future proof” policies that are technology neutral and promote continued innovation and socially-beneficial uses of AI technologies, algorithms and automated decision-making.
- Advancing sectoral-based approaches to AI guidance and regulation tailored to practices, needs, uses and impacts of AI tools in different sectors.
- Industry-led efforts to develop international technological standards.
- Bilateral, multilateral and multi-stakeholder initiatives to foster regulatory interoperability.
- Efforts by the U.S. National Institute of Standards and Development to advance a risk-management framework for responsible AI.
- Policies that recognize AI tools serve important societal benefits.
- Elevating discourse around the quality of training data relied on by advanced AI tools.
- Policies to foster greater collaboration between stakeholders and access to government data sets.



Content and Competition Policy

Protecting The Information Lifecycle

SIIA advocates for a robust application of the First Amendment and protects the three stages of the information lifecycle: creation, dissemination and productive use. We support:

- Legislation that aims to defend our democracy, guards against hate speech, protects users from harm and security risks while safeguarding the rights of online platforms to make decisions about what content to carry.
- International efforts that aim to ensure that online platforms can create safe communities for their users and promote a healthy digital ecosystem.

Promoting a Competitive Innovative Ecosystem

SIIA advocates for a healthy innovative ecosystem. We support:

- Legislation that maintains the consumer welfare standard as the primary objective of U.S. antitrust law.
- Agency enforcement policies that are based on predictable and workable criteria for businesses and consumers.
- Providing federal agencies with increased resources as opposed to creating new enforcement authorities,
- An implementation of the Digital Markets Act that strives for coherence between enforcement of EU and member state competition laws and allows “gatekeepers” to continue to offer the services that consumers, businesses and governments rely on.



The Statue of Liberty is shown in a monochromatic orange color, occupying the left side of the page. It is depicted from the waist up, holding the torch in its right hand and the tablet in its left. The background is a solid orange color.

U.S. Digital Policy

Cybersecurity

SIIA advocates for policies to improve the nation's cybersecurity infrastructure and ability to respond to and remediate cyber threats and incidents. We support:

- Measures to strengthen public-private partnerships and coordination, both domestically and internationally.
- Policies that consider the risks and benefits of proprietary and open source software in an even-handed manner.
- Increased funding for federal, state, and local cybersecurity resilience and training.

Digital Identity and Biometrics

SIIA advocates for the development of sound public policy to advance both innovation and application of advanced digital identity and biometrics technologies with appropriate data governance safeguards. We support:

- Legislation and regulation to advance adoption of digital identity technologies for use in reducing and remediating cybercrime.
- Focusing policy solutions on the collection and use of data related to immutable physical characteristics for authentication, verification and identification purposes.

Tech Solutions and Standards to Advance Online Trust and Democratic Values

SIIA advocates for policies that advance technological solutions and standards to restore trust in the online environment and advance democratic values. We support:

- Policies that foster the application of digital tools to authenticate online content and counter the online proliferation of disinformation, misinformation, information operations and deepfakes.
- Policies that foster the application of digital tools to advance human rights and fundamental freedoms, including countering censorship and the use of technology for social control.
- Great collaboration among the private sector, government, academia and civil society to educate the public and advance solutions to critical challenges.



International Digital Policy

Promoting Cross-Border Data Flows and Digital Trade

SIIA supports policies to facilitate cross-border data flows and increase the value of data in the digital economy. SIIA engages with foreign governments and officials in supporting free cross-border data flows that allow innovation to flourish. SIIA continues to advocate for international data privacy laws and reciprocity agreements to align data certification frameworks and standards across countries with shared values. SIIA believes restrictive data localization policies will create barriers to trade and free markets. We support:

- Full implementation of the EU-U.S. Data Privacy Framework.
- Concrete advancement of the Global Cross Border Privacy Rules (CBPR) Forum.
- Advancement of the Data Free Flow with Trust (DFFT) framework through the G7, G20 and other international bodies.

Advancing International Coordination on Digital Trade and Data Governance

SIIA actively supports international initiatives to coordinate digital policy internationally. Removal of barriers to digital trade and coordination of data governance frameworks to unlock the value of data in the digital economy, generate benefits for society, consumers and companies and further democratic tech values. We support:

- International efforts to advance frameworks for AI development and use, including the U.S.-EU Trade and Technology Council's (TTC) joint roadmap and initiatives of the Organization for Economic Co-operation and Development (OECD).
- Promotion of digital trade through the Indo-Pacific Economic Framework (IPEF), the Global CBPR Forum, the G7, the G20 and other multilateral frameworks.
- Advocating against data localization laws in various foreign jurisdictions.

Promoting Digital Policy in the European Union

SIIA actively engages with European Union bodies to advance regulation that promotes cross-border collaboration and foster a healthy environment for the creation, dissemination and productive use of information. Key priorities include:

- Data Act. While we support the Act's objective of unlocking the value of data to foster innovation, key provisions remain unclear and impractical. SIIA will continue to engage with European and U.S. stakeholders to improve the proposal as it moves through the legislative process.



International Digital Policy (continued)

- Proposed software liability regulations. We are concerned about efforts to establish a strict liability regime on software developers (including AI developers).
- Artificial Intelligence Act. We support the Act's overall approach, to include a general risk-based approach. We urge further differentiation within proposed high-risk categories to account for advanced industry and company practices for ensuring responsible AI. We also urge clarity on treatment of biometric information and remain concerned about possible regulation of general purpose AI.
- European Cybersecurity Certification Scheme for Cloud Services (EUCCS). We support removal of provisions that would have a discriminatory impact on non-EU companies by restricting market access. Such provisions will have a detrimental effect on the EU economy.



Intellectual Property Policy

The incentives created by intellectual property law remain central to the businesses of SIIA members. SIIA's goal is to promote a healthy intellectual property ecosystem, one which provides robust incentives to invest in new technologies and the dissemination of copyrighted works while at the same time allowing room for continued innovation.

Patent Priorities

SIIA's members both create patented technology and license it. Our members have frequently been the targets of non-practicing entities that have used the threat of litigation to extort settlements over meritless patent claims. We support:

- Efforts by the federal government to ensure that issued patents meet statutory requirements. SIIA strongly supported the bipartisan America Invents Act and its inter partes review provisions and supports further legislative and regulatory efforts to maintain that quality.
- Efforts by the federal government to keep the scope of patentable subject matter within its historic bounds. For over two hundred years, the Supreme Court has held that patents do not protect abstract ideas and has clarified that no one has a monopoly in performing a specific task "on a computer."

Copyright Priorities

Strong copyright protection forms one of the key building blocks of the information industry. SIIA recognizes and supports existing copyright law, which has adapted well to the challenges posed by new technology. We support:

- Maintaining the freedom to contract for the use of copyrighted works: state legislatures should not mandate "reasonable terms" that interfere with the exercise of exclusive rights.
- No action by Congress to mandate the use of particular technologies to prevent infringement, either for use by copyright owners or by intermediaries.
- Protection of the rights of copyright owners from directly competitive uses as AI comes into wider use and AI models seek to rely on protected data.

