



March 11, 2025

The Honorable Spencer Cox
350 N. State Street, Suite 200
P.O. Box 14220
Salt Lake City, UT 84114-2220

Dear Governor Cox,

On behalf of the Software & Information Industry Association (SIIA), I am writing to express concerns about the potential that the recently passed App Store Accountability Act (S.B. 142), if signed into law, will conflict with federal law governing children’s privacy. While we understand and support the state’s interest in protecting minors, we believe this bill will create challenges for privacy compliance, particularly with respect to the Children’s Online Privacy Protection Act (COPPA).

COPPA is a federal law designed to protect the online privacy of children under 13. COPPA requires operators to provide direct notice and obtain verifiable parental consent to collect information from children under the age of 13. Similarly, the App Store Accountability Act would require app stores to obtain parental consent on behalf of the developer, essentially setting up a duplicative process that places the burden on parents to consent twice – parents would be required to provide consent to a website or app “operator” as well as to an app store from which an app was downloaded. This also creates compliance challenges for businesses that may not be able to rely on consent at the app store level.

Further, the private right of action in this legislation creates substantial risk for companies. This could be mitigated by refining the language to establish clear rules for the road and removing the private right of action.

In light of these concerns, we urge the Governor’s Office to continue to work with the legislature on modifications to the bill in its current form that will truly protect minors online, reduce confusion for parents, and ensure streamlined compliance for businesses of all sizes.

Respectfully,

A handwritten signature in black ink that reads "Christopher A. Mohr". The signature is written in a cursive style with a large, stylized initial "C" and "M".

Christopher Mohr
President
Software and Information Industry Association