



January 13, 2023

Hon. Kevin Thomas  
Chairman, Senate Consumer Protection Committee  
Legislative Office Building  
Room 947  
Albany, NY 12247

Dear Senator Thomas:

BSA | The Software Alliance<sup>1</sup> supports strong privacy protections for consumers and appreciates your work to improve consumer privacy through S365, the New York Privacy Act. BSA is also very appreciative of our productive previous conversations with your office on this bill. In our federal and state advocacy, BSA works to advance legislation that ensures consumers' rights — and the obligations imposed on businesses — function in a world where different types of companies play different roles in handling consumers' personal data. At the state level, we have supported strong privacy laws in a range of states, including consumer privacy laws enacted in Colorado, Connecticut, and Virginia.

BSA is the leading advocate for the global software industry. Our members are enterprise software and technology companies that create business-to-business products and services to help their customers innovate and grow. For example, BSA members provide tools including cloud storage services, customer relationship management software, human resource management programs, identity management services, and collaboration software. Businesses entrust some of their most sensitive information — including personal data — with BSA members. Our companies work hard to keep that trust. As a result, privacy and security protections are fundamental parts of BSA members' operations, and their business models do not depend on monetizing users' data.

BSA members are also on the leading edge of developing artificial intelligence (AI) and provide innovative AI-enabled products and services to businesses of all sizes in every sector of the economy.<sup>2</sup> AI is not just about robots, self-driving vehicles, or social media. Businesses leverage the benefits of AI to create the products and services they provide to consumers, to improve their internal operations, and to enhance their capacity to make data-informed

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<sup>1</sup> BSA's members include: Adobe, Alteryx, Atlassian, Autodesk, Bentley Systems, Box, Cisco, CNC/Mastercam, CrowdStrike, Databricks, DocuSign, Dropbox, Graphisoft, IBM, Informativa, Intel, Kyndryl, MathWorks, Microsoft, Okta, Oracle, Prokon, PTC, Salesforce, SAP, ServiceNow, Shopify Inc., Siemens Industry Software Inc., Splunk, Trend Micro, Trimble Solutions Corporation, TriNet, Twilio, Unity Technologies, Inc., Workday, Zendesk, and Zoom Video Communications, Inc.

<sup>2</sup> See BSA | The Software Alliance, Artificial Intelligence in Every Sector, *available at* <https://www.bsa.org/files/policy-filings/06132022bsaaieverysector.pdf>.

decisions. As leaders in the development of AI, BSA members have unique insights into the technology's tremendous potential to spur digital transformation and the policies that can best support the responsible use of AI. We would welcome an opportunity to share our policy expertise and perspective with you, as you consider legislation that relates to AI. BSA's views are informed by our recent experience working with member companies to develop the BSA Framework to Build Trust in AI,<sup>3</sup> a risk management framework for mitigating the potential for unintended bias throughout an AI system's lifecycle. Built on a vast body of research and informed by the experience of leading AI developers, the BSA Framework outlines a lifecycle-based approach for performing impact assessments to identify risks of AI bias and highlights corresponding risk mitigation best practices.

BSA has also leveraged the policy and technological expertise of our member companies to identify five key policy pillars for facilitating responsible AI innovation, which we hope can help to inform emerging policies and legislation that states may consider. As set out in our attached AI policy agenda, these pillars are (1) building confidence and trust in AI systems, (2) sound data innovation policies, (3) cybersecurity and privacy protections, (4) research and development, and (5) fostering a dynamic workforce.<sup>4</sup>

BSA appreciates the prior meetings with your office on this topic and would welcome an opportunity to further discuss this important piece of consumer privacy legislation with you and your staff. Thank you for your continued efforts to establish strong consumer privacy protections in New York and for the opportunity to provide the enterprise software sector's perspective on these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Lenz". The signature is fluid and cursive, with a large, sweeping "M" and "L".

Matthew Lenz  
Senior Director and Head of State Advocacy

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<sup>3</sup> See BSA | The Software Alliance, *Confronting Bias: BSA's Framework to Build Trust in AI*, *available at* <https://www.bsa.org/reports/confronting-bias-bsas-framework-to-build-trust-in-ai>.

<sup>4</sup> BSA | The Software Alliance, *Enhancing Innovation and Promoting Trust: BSA's Artificial Intelligence Policy Agenda*, *available at* <https://www.bsa.org/policy-filings/enhancing-innovation-and-promoting-trust-bsas-artificial-intelligence-policy-agenda>.