

Smart (CA) TVs Are Listening: California Assembly Passes Voice Recognition Device Bill Headed to Senate

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The California Assembly recently passed [AB-1262](#) updating an existing law to further limit the use of personal information collected through connected TVs and smart speaker devices. Specifically, the bill prohibits:

- Operating a voice recognition feature of a connected TV or smart speaker without informing the consumer of the feature during setup or installation;
- Using any recording or transcription collected through the feature that qualifies as personal information for any advertising purpose (unless deidentified);
- Sharing such recordings or transcriptions, unless deidentified, with a third party without the consumer's affirmative written consent; and
- Retaining such non-deidentified recordings or transcriptions electronically without the consumer opting in to such retention during installation or otherwise in the device settings.

The bill adopts the same broad definition of "personal information" that is in the [CCPA](#) and separately defines "affirmative written consent," detailing the specific language required for such consent. "Smart speaker devices" do not include cell phones, tablets, laptops with mobile data access, pagers, or motor vehicles.

California consumers would not have a private cause of action, but the state AG or district attorney would have the authority to seek penalties of up to \$2,500 per connected TV or smart device sold or leased that violates the law. After passing the Assembly, the bill will now need to pass in the Senate and be signed by the Governor to become law. The bill was recently referred to the Senate's Committee on Judiciary for review.

This bill signals the state's continued focus on consumer privacy, as legislators continue to consider the privacy implications of smart devices and other technology, and the variety of ways in which companies use data for advertising purposes. We will continue to monitor the legislation and provide any updates.

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