

Digital Right to Repair Bill (HF1156/SF2080)

FAQs About Data Security

Will HF1156/SF2080 allow for hacking? No!

- Repair and the kinds of freedoms granted by right to repair laws pose no cyber security risk and will have no impact on the security posture of individuals, homes, businesses or government entities, according to Paul Roberts, Publisher of Security Ledger.
- Rather, right to repair laws can help create the conditions by which technology manufacturers and device makers are held to a high standard for security.

Is fixing your own phone dangerous? No!

- Thousands of people fix their own phones every year. Thousands of independent repair firms fix phones every year. If this is an inherently hazardous practice, why aren't we hearing about people hurting themselves?
- Kyle Wiens, CEO of iFixit, has sold thousands of kits to help people fix their own phones. In his own words, "I've never been sued." Changing your own tire can be dangerous -- if you do it wrong. That's why it's so important to make the best parts and the best repair information available to consumers.

Does providing information like firmware and diagnostic software make my data less safe? No!

- Firmware is the language that lets a device with "embedded software" operate hardware --often, it only controls the very basic functions of a device. Diagnostic software is often absolutely necessary for even basic repairs.
- Many companies already gladly provide these as a service to their customers -- the ones that don't are making things unnecessarily difficult and creating unfair repair monopolies.
- The world's leading cyber security experts have endorsed Right to Repair, noting that providing firmware and diagnostic software does not endanger your data.
- Firmware and diagnostic software should not give repair technicians access to your sensitive data. That's not what they're for. If they do, that is the manufacturer's mistake -- one they should be held accountable for.

Does HF1156/SF2080 violate copyright law? No!

- Repair is not a violation of copyright law, [according to the US Copyright Office](#).
- But right now, people can get in trouble for *sharing* information about repair --that's why it's so important to make that information available directly from manufacturers.
- If repair is a protected act, then people should be able to get repair information too. That's just common sense.

Does HF1156/SF2080 require manufacturers to give away trade secrets? No!

- HF1156/SF2080 clearly protects trade secrets, except as necessary to provide repair info, tools, and parts.
- We're open to clarifying the language of Subdivision 5, if people are concerned.

Is HF1156/SF2080 a new, untested law? No!

- This has been the law for consumer vehicles across the nation for 7+ years -- that's why you can still get your car fixed at the mechanic down the block, even though the car is run by software.
- Hundreds of Minnesota businesses stand to gain -- and are ready to expand-- if HF1156/SF2080 passes.
- HF1156/SF2080 simply extends this protection to other parts of the economy. If you can fix your own car, you should be able to fix your own tractor, your own phone, etc.

Does HF1156/SF2080 clearly explain how to enforce Fair Repair violations? Yes.

- The Attorney General is directed to enforce violations in the same manner as a deceptive business practice (HF1156/SF2080 directs enforcement to 325D.44 and to Section 8, which authorizes the AG to seek injunctive relief and a fine of up to \$25,000, among other remedies. See Subd. 3.).
- Above all: *The original equipment manufacturer is responsible for providing parts and info, so they would be liable for failing to do so.*
- Consumer protection laws are *almost always* enforced against the business entities themselves, not the officers of said businesses, individual employees, etc.

For more information about HF1156/SF2080 and/or the Digital Fair Repair Coalition, contact Shep Harris at sharris@fredlaw.com or 612-219-8531.