

# Big Tech’s “Digital Trade” Agenda Threatens Connecticut’s Tech Policy Goals

Nationwide, state legislators have introduced bills to protect people from biased artificial intelligence (AI) models, online privacy violations, abuses of children and teens’ data, and anti-competitive practices by tech companies—and to guarantee our right to repair our phones, cars and other equipment.

**The surge in statehouse tech legislation shows that the American people—and their elected officials at every level—want action now. But few people realize that the very firms whose conduct led to this bipartisan response have a strategy to undermine tech regulation through a stealthy form of international preemption. They want to add rules to international trade deals that limit how state and federal governments can regulate tech.**



The most extreme of what these Big Tech interests misleadingly call “digital trade” rules would:

- limit governments’ powers to require impact assessments, bias audits, or pre-deployment testing of even high-risk AI and other programs if this involves government regulators or independent reviewers having access to detailed descriptions of algorithms or to source code;
- forbid right to repair polices that require manufacturers to share repair tools that depend on access to code or algorithms;
- ban regulation of international data transfers, guaranteeing rights for firms to choose where our personal data moves and is stored; and
- prohibit requirements to keep certain data locally stored, for instance to keep sensitive data within the state for privacy or any other reason.

Connecticut lawmakers’ initiatives to regulate the tech industry must not be thwarted by “digital trade” rules being pushed by Big Tech firms. We must ensure that Connecticut tech bills—including some measures already passed by the legislature—are not undermined by this international preemption plot.

**The rest of this explainer details how “digital trade” provisions conflict with specific Connecticut policies relating to right to repair and AI regulation.**



\*For a detailed analysis of these “digital trade” rules, see <https://rethinktrade.org/reports/international-preemption-by-trade-agreement/>

## RIGHT TO REPAIR

The Big Tech-demanded “digital trade” rule guaranteeing source code secrecy undermines market competition and consumers’ rights to access the repair tools and information needed to keep their phones, cars, and other equipment operating.

Connecticut’s [SB 3 \(2024\)](#), which passed both chambers, contains several provisions relating to consumer protection, including a right to repair section. This section is intended to grant the owners and independent repairers of electronic products access to the tools necessary to perform repairs. For electronic products, these “tools” also include software, code, and other algorithmic tools.

*“(b) (1) (...) the manufacturer of an electronic or appliance product shall make available, on fair and reasonable terms, to the owners of such product, service and repair facilities and service dealers documentation and functional parts and tools, inclusive of any updates thereto, that are sufficient to effect the diagnosis, maintenance or repair of such product (...).”*

Right to repair laws that require manufacturers to make available to consumers and independent repair shops tools, parts, and information necessary to repair electronic products could be undermined by algorithm and source code secrecy rules since the broad definition of algorithms would encompass repair tools such as diagnosis software, firmware, and digital keys. Connecticut bill [HB 6083](#), considered in the 2023 session, applied right to repair only to motorized wheelchairs and also would have been affected.

## AI REGULATION

To try to avoid civil rights and liberties violations and other harms from AI systems being rushed into use, legislators are introducing bills in statehouses nationwide that require impact assessments, bias audits, or pre-deployment testing to ensure that AI models are fair and accurate. The Big Tech-demanded “digital trade” rule that bans access to source code and algorithms would forbid such reviews from being conducted by or available to government regulators or independent bodies, as many bills require.

For instance, in Connecticut, the Senate passed [SB 2 \(2024\)](#), which requires developers of AI systems to share information on training data with deployers as a condition of distributing their technology:

*“(b) (...) no developer shall offer, sell, lease, license, give or otherwise make available to a deployer a high-risk artificial intelligence system unless the developer also makes available to the deployer: (...) (2) Documentation (...) (B) describing (i) the type of data used to train such high-risk artificial intelligence system, (ii) how such high-risk artificial intelligence system was evaluated for performance and relevant information related to explainability before such high-risk artificial intelligence system was offered, sold, leased, licensed, given or otherwise made available to a deployer, (iii) the data governance measures used to cover the training datasets and the measures used to examine the suitability of data sources, possible biases and appropriate mitigation (...).”*

This bill would require that AI developers make algorithmic information available to deployers. Developers could claim that the law forces them to “share their algorithms” with third parties in conflict with “digital trade” secrecy rules.

**The good news is that very few of the hundreds of trade agreements in effect worldwide include Big Tech’s “digital trade” rules. The bad news is that Big Tech lobbyists are using their power and money to try to rig numerous trade deals that are being negotiated right now to derail the wave of tech regulation underway nationwide. To learn more, please visit: [www.rethinktrade.org](http://www.rethinktrade.org)**