

Advocacy Groups, Companies Call for an Update of the Privacy Framework for Law Enforcement Access to Digital Information

Broad Coalition Seeks to Balance Law Enforcement Needs, Privacy, and Innovation

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Jim Dempsey - VP for Public Policy, CDT

Washington, DC - A broad coalition of privacy groups, think tanks, technology companies and academics today issued principles for updating the key federal law that defines the rules for government access to email and private files stored in the Internet "cloud." The coalition cited the need to preserve traditional privacy rights in the face of technological change while also ensuring that law enforcement agents can carry out investigations and that industry has the clarity needed to innovate.

To set a consistent standard in line with the traditional rules for law enforcement access in the offline world, the group's recommendations focus on the Electronic Communications Privacy Act (ECPA). Passed in 1986 and not significantly updated since, it establishes standards for government access to email and other electronic communications in criminal investigations.

"Technology has changed dramatically in the last 20 years, but the law has not," said Jim Dempsey, Vice President for Public Policy at the Center for Democracy and Technology, who has led the coalition effort. "The traditional standard for the government to search your home or office and read your mail or seize your personal papers is a judicial warrant. The law needs to be clear that the same standard applies to email and documents stored with a service provider, while at the same time be flexible enough to meet law enforcement needs."

The group is reaching out to government officials and anticipates extended dialogue with law enforcement agencies to develop consensus on updates to the law. "Reform will only happen if we can strike the right balance. We have begun discussing our principles with the Department of Justice and others. We look forward to the dialogue," said Dempsey.

Coalition members include: ACLU, American Library Association, Americans for Tax Reform, AOL, Association of Research Libraries, AT&T, Center for Democracy & Technology, Citizens Against Government Waste, Competitive Enterprise Institute, Computer and Communications Industry Association, eBay, Electronic Frontier Foundation, Google, Information Technology & Innovation Foundation, Integra Telecom, Intel, Loopt, Microsoft, NetCoalition, The Progress & Freedom Foundation, and Salesforce.com. The coalition will continue to add new members.

The group's principles are detailed at www.digitaldueprocess.org [1].

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