

CDT Tells Congress It's Time to Update Electronic Communications Privacy Act

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CDT's Jim Dempsey today told a [House congressional subcommittee](#) [1] that it's time to reform the Electronic Communications Privacy Act. Although the act was a far-reaching statute when it was passed in 1986, advances in technology have outpaced the reach of the law.

Dempsey [told the congressional panel](#) [2]: "ECPA today is a patchwork of confusing standards that have been interpreted inconsistently by the courts, creating uncertainty for many service providers and law enforcement agencies alike. Moreover, it provides inadequate protection for huge amounts of personal information."

Dempsey's testimony also outlined the three year effort by members of the [Digital Due Process Coalition](#) [3] to craft a set of core principles for updating ECPA.

The amazing technological advances that have taken place since ECPA became law "should not come at the price of privacy," Dempsey said.

His testimony concludes: "As it has in the past, Congress should update the privacy laws to preserve the balance between government power and personal privacy, preserving law enforcement tools and giving companies the clarity they deserve. Congress should extend the traditional warrant standard to our personal communications, private documents and highly sensitive information like mobile tracking data. Other less sensitive data should be available with a subpoena, so long as the government cannot make blanket requests without judicial approval. These changes would provide the framework for further innovation and growth."

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Links:

[1] <http://judiciary.house.gov/about/subconstitution.html>

[2] <http://www.cdt.org/testimony/testimony-jim-dempsey-ecpa-reform>

[3] <http://www.digitaldueprocess.org/>