Victory for the Internet: Data Retention Mandate Absent from Bill

by Mark Stanley [1]
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An ineffective tech mandate that would threaten Internet users' privacy has quietly died in Congress.

Rep. Lamar Smith (R-TX) recently introduced the Child Protection Act of 2012 (HR 6063), and unlike a similar bill [2] he introduced last year, HR 6063 does not contain a data retention mandate.

CDT has [3] long [4] spoken out [5] against the troubling—and unnecessary—threats data retention mandates pose to Internet users' privacy.

Earlier this year, when Smith's previous bill, HR 1981, was awaiting a possible floor vote, we wrote [6] that its data retention provision—which would require ISPs to store IP addresses and possibly other data for a year—could negatively impact Internet users by

- allowing the government to access our information for any purpose;
- raising costs of mobile plans;
- and financially burdening small ISPs, which could lead to less Internet access for some Americans.

Most disturbing, it is unlikely that a data retention mandate would help prosecute more child pornography crimes. As CDT noted in a report [7]:

It is clear that law enforcement agencies already have far more child pornography cases on their plates than they can investigate and prosecute. In other words, even if a vast data retention regime were imposed on American ISPs, and even if data were retained for a lengthy period of time, law enforcement agencies would still not be able to investigate and prosecute more child pornography cases.

It's encouraging to see that Smith and HR 6063 cosponsor Rep. Debbie Wasserman Schultz (D-FL) listened to the legitimate concerns of thousands of Internet users—who petitioned Congress through sites like EFF [8] and Demand Progress [9]—and removed the data retention mandate from their bill. Like many ill-conceived legislative provisions, the mandate has died, not with a bang but a whimper. And while data retention has proven to be one of the pet perennial issues of Congress, reappearing session after session, for now its absence from HR 6063 is a victory for Internet privacy and freedom.

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