Dear Congressional Leaders,

We write to urge you to bring to the floor S. 607 and H.R. 1852, the bipartisan Leahy-Lee and Yoder-Polis bills updating the Electronic Communications Privacy Act (ECPA).

Updating ECPA would respond to the deeply held concerns of Americans about their privacy. S. 607 and H.R. 1852 would make it clear that the warrant standard of the U.S. Constitution applies to private digital information just as it applies to physical property.

The bills would aid American companies seeking to innovate and compete globally. It would eliminate outdated discrepancies between the legal process for government access to data stored locally in one’s home or office and the process for the same data stored with third parties in the Internet “cloud.”

Consumers and businesses large and small are increasingly taking advantage of the efficiencies offered by web-based services. American companies have been leaders in this field. Yet ECPA, written in 1986, says that data stored in the cloud should be afforded less protection than data stored locally. Removing uncertainty about the standards for government access to data stored online will encourage consumers and companies, including those outside the U.S., to utilize these services.

The bills would not impede law enforcement. The U.S. Department of Justice already follows the warrant-for-content rule. The only resistance to reform comes from civil regulatory agencies that want an exception allowing them to obtain the content of customer documents and communications directly from third party service providers. That would expand government power; government regulators currently cannot compel service providers to disclose their customers’ communications. It would prejudice the innovative services that we want to support, creating one procedure for data stored locally and a different one for data stored in the cloud. For these reasons, we oppose a carve-out for regulatory agencies or other rules that would treat private data differently depending on the type of technology used to store it.

S. 607 was approved by the Judiciary Committee last year, and H.R. 1852 is co-sponsored by over 260 Members, including a majority of the majority. We urge you to bring them to the floor. We believe they would pass overwhelmingly, proving to Americans and the rest of the world that the U.S. legal system values privacy in the digital age.

Sincerely,

ACT | The App Association  •  Adobe  •  American Civil Liberties Union  •  American Library Association

Americans for Tax Reform  •  AOL  •  Association of Research Libraries  •  Automatic  •  Autonet Mobile  •  Blacknight

Brennan Center for Justice at NYU Law School  •  BSA | The Software Alliance  •  Center for Democracy & Technology

Center for Financial Privacy and Human Rights  •  Chamber of Digital Commerce  •  Cheval Capital  •  CloudTech1

CodeGuard  •  Competitive Enterprise Institute  •  Computer & Communications Industry Association (CCIA)

The Constitution Project  •  Coughlin Associates  •  Council for Citizens Against Government Waste  •  Data Foundry

Digital Liberty  •  Direct Marketing Association (DMA)  •  Distributed Computing Industry Association (DCIA)  •  Dropbox

Electronic Frontier Foundation  •  Endurance International Group  •  Engine Advocacy  •  Evernote  •  Facebook

Federation of Genealogical Societies  •  Foursquare  •  FreedomWorks  •  Future of Privacy Forum  •  Gandi.net

Giganews  •  Golden Frog  •  Google  •  Heritage Action for America  •  Hewlett-Packard

Information Technology Industry Council (ITI)  •  The Internet Association  •  Internet Infrastructure Coalition (i2Coalition)

Intuit  •  Kwaai Oak  •  Less Government  •  LinkedIn  •  Media Science International (MSI)

Microsoft  •  NetChoice  •  New America’s Open Technology Institute  •  Newspaper Association of America  •  Oracle

Peer 1 Hosting  •  Personal  •  reddit  •  R Street Institute  •  ScreenPlay  •  ServInt  •  A Small Orange

Software & Information Industry Association (SIIA)  •  SpiderOak  •  Taxpayers Protection Alliance  •  TechFreedom

TechNet  •  Tucows  •  Tumblr  •  Twitter  •  U.S. Chamber of Commerce  •  Yahoo!, Inc.

For more information, please visit digital4th.org