



Memorandum in Support – The New York Electronic Communications Privacy Act

IN SUPPORT OF: A.1895a(Dinowitz)/S.6044 (Avella)

SUBJECT: Relates to creating the New York electronic communications privacy act; relates to the search and seizure of electronic devices and electronic communications.

TechFreedom writes in strong support of A.1895a/S.6044, the New York Electronic Communications Privacy Act (NY ECPA).

As a public interest group dedicated to protecting privacy rights of Americans, we urge New York to extend the Fourth Amendment’s protections to Internet-based “cloud” and mobile location services. The laws protecting such information haven’t been able to keep up with the technological change. By closing the resulting gaps in legal protection, New York can restore its citizens’ individual liberties and ensure the Internet remains a powerful engine of economic growth, while preserving the tools needed by law enforcement investigations and removing legal uncertainty that may hamper law enforcement’s effectiveness.

A.1895a/S.6044 will modernize New York’s privacy laws by providing, stronger and more balanced protections of digital information. The bill requires law enforcement to obtain a warrant before physically or electronically accessing digital data. It also includes reasonable transparency, enforcement and oversight measures that allow law enforcement to access effective investigatory tools, and protect the public’s privacy rights, whether in cyberspace or physical-space.

TechFreedom urges the New York State Legislature to pass the New York Electronic Communications Privacy Act, A.1895a/S.6044, so that New York’s privacy laws reflect our modern digital age.