

Memorandum of 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.

Engine strongly supports A.1895a/S.6044, which would establish the New York Electronic Communications Privacy Act ("NYECPA"). Considering New York is one of the nation's centers for technology and innovation, New York must take immediate steps to update its long obsolete and ill-advised electronic privacy laws. The diverse group of startups and entrepreneurs that we represent need clear rules governing compliance with law enforcement requests, and NYECPA provides sensible safeguards that balance consumer privacy interests with law enforcement needs.

Since data plays an increasingly important role for many startups, any uncertainty over compliance with outdated regulations puts them in a difficult position. Startups may be forced to choose between spending valuable time and resources complying with complex requests for data from law enforcement or facing fines and legal action for protecting their users' privacy rights. These small companies simply don't have the bandwidth to respond to spurious requests for information, so having a clear set of protocols will make it much easier to comply with the law.

Federal and state consumer privacy laws are hopelessly out of date, inconsistent with changing technology, and routinely applied in unpredictable ways. If consumers feel that the information they store digitally is freely accessible by law enforcement without adequate procedural safeguards, they will stop using online services—services often provided by the innovative startups that are based in New York and help drive the state's economy. NYECPA will help revive consumer confidence in the security of their digitally stored information, which will in turn benefit New York's entrepreneurs and economy.

In sum, Engine strongly supports A.1895a/S.6044 and urges the Assembly to pass and the legislation and reform New York's outdated digital privacy laws.