



Council on American-Islamic Relations

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## Memorandum in Support – The New York Electronic Communications Privacy Act

IN SUPPORT OF: A. 1895 (Dinowitz)

SUBJECT: Relates to creating the New York Electronic Communications Privacy Act; relates to the search and seizure of electronic devices and electronic communications.

The Council on American-Islamic Relations, New York (CAIR-NY) writes in strong support of A. 1895, the New York Electronic Communications Privacy Act (NY ECPA).

As the New York State chapter of America's largest Muslim civil rights organization, CAIR-NY is committed to protecting the electronic privacy of Muslim New Yorkers. In recent years, we've worked to stop abusive NYPD surveillance practices that target our constituents, including the widespread use of warrantless data collection.

While technology has advanced exponentially, state and federal privacy laws remain largely unchanged. As a result, there is a lack of clarity about when and how the government can access digital data and what type of oversight is necessary. Public confidence in technology has also been damaged. Polls consistently show that an overwhelming majority of Americans believe their email messages, text messages, and location information are sensitive, disapproving of government monitoring and collection of this digital data. New Yorkers should not have to choose between using increasingly indispensable technologies and keeping their personal lives private. The constitutional protections that have long safeguarded our physical belongings must extend to our most sensitive digital data and the intimate information therein.

A. 1895 will modernize New York's outdated privacy laws by providing, stronger and more balanced protections of digital information. The bill requires law enforcement to obtain a warrant before accessing digital data. It also includes reasonable transparency, enforcement and oversight measures that allow law enforcement to access effective investigatory tools, while still protecting the public's privacy rights.

CAIR-NY urges the New York State Legislature to pass the New York Electronic Communications Privacy Act, A. 1895, so that New York's privacy laws reflect our commitment to both privacy and effective public safety measures.

COUNCIL ON AMERICAN-ISLAMIC  
RELATIONS NEW YORK, INC.

A handwritten signature in black ink, appearing to read "A. Cahn".

Albert Fox Cahn, Esq.  
Legal Director

March 27, 2017