Landmark Privacy Legislation Introduced in Senate

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Jim Dempsey - Vice President for Public Policy, CDT

The Center for Democracy & Technology applauded the introduction today of legislation to update and strengthen rules for government surveillance. The bill, introduced by Sen. Patrick J. Leahy (D-VT), would update the Electronic Communications Privacy Act, a 1986 law that sets rules for government access to email and other Internet communications. The bill would require the government to obtain a warrant from a judge before reading someone's email. It would also require a warrant for the government to track people in real time using their cell phones.

"Of course, the government needs to be able to investigate crimes and protect the national security, but it should do so within the rules set by the Constitution, and that means the government should get a warrant from a judge," said Jim Dempsey, CDT Vice President for Public Policy. "The courts have been slow in responding to technology, and the protections have lagged, so Congress needs to act."

"Everyone knows that this technology we have become so dependent on also can expose our most intimate thoughts and our daily movements to government surveillance. I hope that the Justice Department will recognize that the Constitutional standard of a judge's warrant is the right standard for government intrusion on our privacy," said Dempsey.

Last year, Digital Due Process [1], a coalition of leading Internet and communications companies, think tanks, trade associations and advocacy groups across the political spectrum, issued recommendations for privacy, many of which are reflected in the Leahy bill.

Dempsey noted that the Leahy bill would allow the government to get retrospective records tracking a person's past location without a warrant. "In some ways, the bill does not provide full protection, and we will work to improve it, but as it stands now it is clearly a big leap forward."

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[1] http://www.digitaldueprocess.org