

# Victory for the Internet: Data Retention Mandate Absent from Bill

by [Mark Stanley](#) [1]  
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An ineffective tech mandate that would threaten Internet users' privacy has quietly died in Congress.

Rep. Lamar Smith (R-TX) recently introduced the Child Protection Act of 2012 (HR 6063), and unlike a [similar bill](#) [2] he introduced last year, HR 6063 does not contain a data retention mandate.

CDT [has](#) [3] [long](#) [4] [spoken out](#) [5] against the troubling—and unnecessary—threats data retention mandates pose to Internet users' privacy.

Earlier this year, when Smith's previous bill, HR 1981, was awaiting a possible floor vote, we [wrote](#) [6] that its data retention provision—which would require ISPs to store IP addresses and possibly other data for a year—could negatively impact Internet users by

- allowing the government to access our information for any purpose;
- raising costs of mobile plans;
- and financially burdening small ISPs, which could lead to less Internet access for some Americans.

Most disturbing, it is unlikely that a data retention mandate would help prosecute more child pornography crimes. As CDT noted in a [report](#) [7]:

*It is clear that law enforcement agencies already have far more child pornography cases on their plates than they can investigate and prosecute. In other words, even if a vast data retention regime were imposed on American ISPs, and even if data were retained for a lengthy period of time, law enforcement agencies would still not be able to investigate and prosecute more child pornography cases.*

It's encouraging to see that Smith and HR 6063 cosponsor Rep. Debbie Wasserman Schultz (D-FL) listened to the legitimate concerns of thousands of Internet users—who petitioned Congress through sites like [EFF](#) [8] and [Demand Progress](#) [9]—and removed the data retention mandate from their bill. Like many ill-conceived legislative provisions, the mandate has died, not with a bang but a whimper. And while data retention has proven to be one of the pet perennial issues of Congress, reappearing session after session, for now its absence from HR 6063 is a victory for Internet privacy and freedom.

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[1] <https://cdt.org/personnel/mark-stanley>

[2] <http://www.gpo.gov/fdsys/pkg/BILLS-112hr1981ih/pdf/BILLS-112hr1981ih.pdf>

[3] <https://www.cdt.org/blogs/john-morris/doj-looking-mandatory-internet-data-retention-law>

[4] [https://www.cdt.org/pr\\_statement/data-retention-bill-dangerous-expansion-government-power-co-stly-mandate](https://www.cdt.org/pr_statement/data-retention-bill-dangerous-expansion-government-power-co-stly-mandate)

- [5] <https://www.cdt.org/blogs/erica-newland/267amended-data-retention-bill-creates-more-problems-it-solves>
- [6] <https://www.cdt.org/blogs/mark-stanley/2702how-data-retention-bill-impacts-you---and-what-you-can-do-about-it>
- [7] [https://www.cdt.org/files/pdfs/CDT\\_Letter\\_HR1981.pdf](https://www.cdt.org/files/pdfs/CDT_Letter_HR1981.pdf)
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