

On Constitution Day,

there is no better time to pass ECPA reform and confirm Americans' Fourth Amendment rights online.

Dear Congressional Leaders,

We write to urge you to bring to the floor S. 607 and H.R. 1852, the bipartisan Leahy-Lee and Yoder-Polis bills updating the Electronic Communications Privacy Act (ECPA).

Updating ECPA would respond to the deeply held concerns of Americans about their privacy. S. 607 and H.R. 1852 would make it clear that the warrant standard of the U.S. Constitution applies to private digital information just as it applies to physical property.

The bills would aid American companies seeking to innovate and compete globally. It would eliminate outdated discrepancies between the legal process for government access to data stored locally in one's home or office and the process for the same data stored with third parties in the Internet "cloud."

Consumers and businesses large and small are increasingly taking advantage of the efficiencies offered by web-based services. American companies have been leaders in this field. Yet ECPA, written in 1986, says that data stored in the cloud should be afforded less protection than data stored locally. Removing uncertainty about the standards for government access to data stored online will encourage consumers and companies, including those outside the U.S., to utilize these services.

The bills would not impede law enforcement. The U.S. Department of Justice already follows the warrant-for-content rule. The only resistance to reform comes from civil regulatory agencies that want an exception allowing them to obtain the content of customer documents and communications directly from third party service providers. That would expand government power; government regulators currently cannot compel service providers to disclose their customers' communications. It would prejudice the innovative services that we want to support, creating one procedure for data stored locally and a different one for data stored in the cloud. For these reasons, we oppose a carve-out for regulatory agencies or other rules that would treat private data differently depending on the type of technology used to store it.

S. 607 was approved by the Judiciary Committee last year, and H.R. 1852 is co-sponsored by over 260 Members, including a majority of the majority. We urge you to bring them to the floor. We believe they would pass overwhelmingly, proving to Americans and the rest of the world that the U.S. legal system values privacy in the digital age.

Sincerely,

Adobe	Data Foundry	Media Science International (MSI)
ACT The App Association	Digital Liberty	Microsoft
American Association of Law Libraries	Direct Marketing Association	NetChoice
American Civil Liberties Union	Disconnect	New America's Open Technology Institute
American Library Association	Discovery Institute	Newspaper Association of America
Americans for Tax Reform	Distributed Computing Industry Association (DCIA)	Oracle
AOL	Dropbox	Peer1 Hosting
Apple	DuckDuckGo	Personal
A Small Orange	Endurance International Group	Rackspace
Association of Research Libraries	Evernote	Records Preservation and Access Committee
Automattic	Electronic Frontier Foundation	R Street Institute
Autonet Mobile	Engine Advocacy	reddit
Blacklight	Facebook	ScreenPlay
Brennan Center for Justice at NYU Law School	Foursquare	Servint
BSA The Software Alliance	FreedomWorks	Software & Information Industry Association (SIIA)
Center for Democracy & Technology	Future of Privacy Forum	Symantec
Center for Financial Privacy and Human Rights	Gandi	Taxpayers Protection Alliance
Cheval Capital	Golden Frog	Tech Assets
CloudTech1	Google	TechFreedom
Code Guard	Hewlett-Packard	TechNet
Coughlin Associates	Information Technology Industry Council (ITI)	Tucows
Competitive Enterprise Institute	The Internet Association	Tumblr
Computer & Communications Industry Association (CCIA)	Intuit	Twitter
The Constitution Project	Internet Infrastructure Coalition (i2Coalition)	U.S. Chamber of Commerce
Council for Citizens Against Government Waste	Kwaai Oak	Yahoo! Inc.
	LinkedIn	