

September 9, 2014

The Honorable Harry Reid  
Majority Leader  
U.S. Senate  
Washington, DC 20510

Dear Leader Reid,

We write to urge you to bring to the floor S. 607, the bipartisan Leahy-Lee bill updating the Electronic Communications Privacy Act (ECPA).

Updating ECPA would respond to the deeply held concerns of Americans about their privacy. S. 607 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 Leahy-Lee bill 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 It would eliminate outdated discrepancies between the legal process for government access to data stored locally in one's home or office and the process for the same data stored with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.

S. 607 would not impede law enforcement. The U.S. Department of Justice already follows the warrant-for-content rule of S. 607. 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. We urge you to bring it to the floor. We believe it 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  
ACT | The App Association  
American Association of Law Libraries  
American Civil Liberties Union  
American Library Association  
Americans for Tax Reform  
AOL  
Apple  
A Small Orange  
Association of Research Libraries  
Automattic  
Autonet Mobile  
Blacklight  
Brennan Center for Justice at NYU Law School  
BSA | The Software Alliance  
Center for Democracy & Technology  
Center for Financial Privacy and Human Rights  
Cheval Capital  
CloudTech1  
Code Guard  
Coughlin Associates  
Competitive Enterprise Institute  
Computer & Communications Industry Association (CCIA)  
The Constitution Project  
Council for Citizens Against Government Waste  
Data Foundry  
Digital Liberty  
Direct Marketing Association  
Disconnect  
Discovery Institute  
Distributed Computing Industry Association (DCIA)  
Dropbox  
DuckDuckGo  
Endurance International Group  
Evernote  
Electronic Frontier Foundation  
Engine Advocacy  
Facebook  
Foursquare  
FreedomWorks  
Future of Privacy Forum  
Gandi  
Golden Frog  
Google  
Hewlett-Packard  
Information Technology Industry Council (ITI)

The Internet Association  
Intuit  
Internet Infrastructure Coalition (i2Coalition)  
Kwaai Oak  
Less Government  
LinkedIn  
Media Science International (MSI)  
Microsoft  
NetChoice  
New America's Open Technology Institute  
Newspaper Association of America  
Oracle  
Peer1 Hosting  
Personal  
Rackspace  
Records Preservation and Access Committee  
R Street Institute  
reddit  
ScreenPlay  
Servint  
Software & Information Industry Association (SIIA)  
Symantec  
Taxpayers Protection Alliance  
Tech Assets  
TechFreedom  
TechNet  
Tucows  
Tumblr  
Twitter  
U.S. Chamber of Commerce  
Yahoo! Inc.