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April 29, 2014



President Barack H. Obama
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Support Meaningful Privacy Reform

Dear President Obama:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 210 national advocacy organizations, we write to urge you to support reform of the Electronic Communications Privacy Act (ECPA), without an exception for administrative agencies, to ensure that information like email, text messages, photos, and information stored in the "cloud" have the same constitutional and statutory protections as letters or information held by individuals in their homes.

Privacy laws have not kept up as technology has changed the way Americans store their personal information. ECPA has not been updated to protect Americans' online records and communications in areas as varied as email, cloud computing, social networking posts, and smart phones. In many circumstances, this weak statutory scheme has a disproportionate impact on racial and religious minorities. For example, a 2010 Freedom of Information Act (FOIA) request from the Electronic Frontier Foundation revealed that the Department of Homeland Security and U.S. Citizenship and Immigration Services monitored social networking sites that cater to specific racial and ethnic demographics.¹ Recognizing this, civil rights, media justice, and privacy groups have recently endorsed [Civil Rights Principles for the Era of Big Data](#), which call for updating constitutional protections like ECPA when addressing new technologies.

Bipartisan legislation in the Senate (S. 607) and the House (H.R. 1852) would make a simple fix to the law, by assuring that, regardless of where individuals store their electronic communications, communications searches will meet the constitutional probable cause standard and be safe from unjust government intrusion. Administrative agencies must not be exempted from reform because this would allow government to increase access to individuals' communications for the many civil investigations conducted by federal and state agencies. Given the large number of agencies, the result would likely be a much greater degree of government intrusion. We are also very concerned that civil investigations conducted at a lower standard could later be converted to criminal investigation, thereby potentially circumventing key due process protections. Your support for strong ECPA legislation without an administrative loophole would be an important step toward removing a roadblock created by agencies interested in weakening the legislation as a way to expand their investigative authorities.



We are committed to working with you and your administration to ensure that technological change does not erode core civil rights and constitutional protections. Thank you for your consideration of our views. If you have any questions, please feel free to contact either of us or Corrine Yu, Leadership Conference Managing Policy Director, at (202) 466-3311.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

¹ Jennifer Lynch. "New FOIA Documents Reveal DHS Social Media Monitoring During Obama Inauguration." *Electronic Frontier Foundation*. October 13, 2010. Available at <https://www.eff.org/deeplinks/2012/08/tpp-creates-liabilities-isps-and-put-your-rights-risk>