

March 17, 2015

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The Honorable Mark Leno  
California State Senate  
State Capitol  
Sacramento, CA. 95814

**RE: SB 178-LENO: Privacy: electronic communications - Support**

Dear Senator Leno,

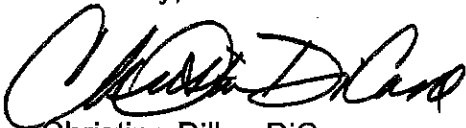
The California Library Association (CLA), the statewide association representing public libraries and their library employees, has taken a "support" position on your SB 178, which would prohibit a government entity from compelling the production of or access to electronic communication information or electronic device information without a search warrant or wiretap order, except under specific emergency situations.

Over three decades ago, CLA sponsored legislation which stipulated that library circulation records, kept for the purpose of identifying the borrower, shall be exempt from disclosure requirements. (SB 604-Roberti, 1980) The bill was in response to incidents wherein persons attempted to find the names and addresses of police personnel through their library records. In 1986, AB 4280 by then Assemblyman Jack O'Connell (Chapter 164) clarified the security provisions by which these records could be accessed; such as "by order of the appropriate superior court." In 2011, Senator Joe Simitian carried legislation that was signed by Governor Brown, which modernized the library circulation privacy law by including the electronic means of capturing data relative to library patrons, thus protecting that electronic data from unwarranted access.

CLA supports SB 178 because it offers additional provisions that would be important to libraries such as compelling notice to the person subject to the warrant (subject to exceptions), offers reimbursement for costs incurred to comply with the records request, and requires reporting by the agency requesting the records, which is ultimately good for transparency.

As libraries continue to utilize dynamically changing technology mediums in collecting data, we appreciate the efforts associated with SB 178 in protecting privacy in this digital information age. Thank you for your leadership in this area.

Sincerely,



Christina Dillon DiCaro  
CLA Lobbyist

cc: Senate Public Safety Committee  
Mary Kennedy, Consultant, Senate Public Safety Committee  
Eric Csizmar, Consultant, Senate Republican Caucus