



March 16, 2015

Honorable Mark Leno
State Capitol, Room 5100
Sacramento, CA 95814

RE: SB 178 (Leno) – Support

Dear Senator Leno,

The Internet Archive writes to express its support for SB 178 - The California Electronic Communications Privacy Act, legislation that will bring important and necessary updates to California privacy law. The Internet Archive is a digital library that serves the public via online library collections and services, including website archives, texts, videos, audio, and software at archive.org, around one of the two hundred most-visited websites in the world.

SB 178 will enact clear requirements of law enforcement that will protect Californians' private electronic data and devices from search and seizure by the Government without a warrant. Exceptions to this requirement for emergency situations are also built into the bill.

You were recently quoted as stating, "The personal files in your desk drawer at home cannot be seized without warrant, but your electronic information, no matter how sensitive, does not have the same protection." This example is a potent illustration of how our privacy laws have fallen behind. Likewise, the protections for a personal physical library are not applied to the electronic personal devices we have that now often carry many libraries' worth of information – ever-increasingly related to the most personal aspects of our lives – often including the bulk of the books, articles, news, and commentary that we read. Nor are these levels of protection fully upheld with respect to the accounts and data located with services we use to access and store this information, including libraries like the Internet Archive, which can be subject to demands to turn private user data over to law enforcement without judicial review.

SB 178 helps address this disparity in a clear way: by making a court-issued warrant a necessary pre-condition for law enforcement before obtaining this private data, a degree of protection already adopted by Maine, Utah, and Texas.

The Internet Archive is grateful for your introducing this legislation and strongly supports its passage and approval by Governor Brown.

Sincerely,

A handwritten signature in black ink, appearing to read "Brewster Kahle".

Brewster Kahle
Founder and Digital Librarian