



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

January 26, 2017

The Honorable Kevin de León
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

Re: SB 54 – SUPPORT

Dear Senate President pro Tempore de León:

On behalf of the Electronic Frontier Foundation (EFF), I write to reaffirm our strong support for SB 54, as amended on January 24. Now more than ever, the State of California must protect all Californians, including immigrants, from database abuse by the federal government.

EFF is a member-supported, nonprofit civil liberties organization that protects free speech and privacy rights in the digital world. EFF was founded in 1990, is headquartered in San Francisco, and has over 33,000 members.

Why California needs SB 54

Governments gather all manner of personal information from members of the public, often for seemingly benevolent purposes, and store it in databases. All too often, governments proceed to reuse that information in a manner that hurts these same people. Vulnerable subpopulations suffer most frequently from such database abuse.

The original sin at the dawn of our nation's database era is the shameful use of stored personal information to round up and intern Japanese Americans during World War II. Specifically, the U.S. Census Bureau shared its supposedly confidential data about the names and addresses of Japanese Americans with the military officials in charge of internment. While the government initially gathered this information for a legitimate purpose, the government wrongfully diverted it to an illegitimate purpose.

Today, many immigrants and their allies fear that the federal government will abuse government databases to implement the President's plan to deport three million people. State and local governments in California possess myriad databases that the federal government might try to use to locate and deport

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immigrants. Many California agencies (including police, human services, and universities) gather and store a host of personal information (including names, addresses, and social security numbers) from vast numbers of people. Federal data miners could abuse these California databases to pursue immigrants.

How SB 54 would prevent database abuse

SB 54 would prohibit California law enforcement agencies (including state, local, and school police) from making their databases available for purposes of immigration enforcement. This ban includes databases maintained by private vendors. Any entity that obtains database access would be required to certify that they will not use it for immigration enforcement.

SB 54 would also limit how California police agencies gather and share personal information. Specifically, agencies would be barred from collecting information about people's immigration status. They also would be barred from providing nonpublic personal information for immigration enforcement purposes. These rules would advance a data privacy best practice: government agencies should not collect or share personal information except to the extent strictly necessary to do their jobs.

Of equal importance, SB 54 would require every state agency in California to overhaul their confidentiality rules. The new rules would ensure that the agencies do not collect any more personal information than they need to perform their duties, and do not use or share this information for any other purposes. Most immediately, this rule would protect immigrants from the federal government. In the long run, it would protect the privacy of all Californians from all governments.

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Thank you for your authorship of SB 54, and for your leadership in the fight against database abuse of immigrants and others. EFF strongly supports SB 54. If you have any questions, please do not hesitate to call me at (415) 436-9333, extension 176, or to email me at adam@eff.org.

Sincerely,

Adam Schwartz
Senior Staff Attorney