

April 20, 2012

The Honorable Mark Leno  
California State Senate  
State Capitol, Room 5100  
Sacramento, CA 95814

**RE: SB 1434 (LENO) – LOCATION INFORMATION: WARRANTS  
OPPOSE UNLESS AMENDED**

Dear Senator Leno:

The Technology Association of America (TechAmerica) must respectfully take an **OPPOSE UNLESS AMENDED** position on your **SB 1434**, a bill that would require, among other things, providers of electronic communication services, remote computing services, or location information services to publish on the Internet searchable detailed reports relating to government requests for location information.

Representing approximately 1,000 member companies of all sizes from the commercial and public sectors of the economy, TechAmerica is the technology industry's largest advocacy organization and is dedicated to helping members' top and bottom lines.

SB 1434's central motive appears to be prohibiting government entities from obtaining location information from electronic devices without a warrant. However, the second portion of the bill under Section 1546.2 goes further and requires a "provider," defined broadly as a commercial entity that offers an electronic communication service, remote computing service, or location information service, to post warrant-related information in an easily searchable format on an Internet website.

This posting requirement creates new compliance burdens for providers who already take enormous strides to protect the privacy of their customers. Customer retention and loyalty depends upon the protection of such information and companies do not take such responsibility lightly. It is unclear however what dubious benefits might flow to the public at large from forcing a provider to disclose, for example, how many times it contests a location information demand from law enforcement (Section 1546.2 (a)(3)(C)) or how many times it provides location information in order for public safety officials to respond to a user's request for emergency services (Section 1546.2 (a)(2)). These disclosure requirements will add another layer of compliance challenges to providers who already must comply with numerous state and federal laws related to the disclosure of customer information. Additionally, this provider-reporting element seems unnecessary in light of the central purpose of the bill.

For these reasons, we must **oppose your SB 1434 unless it is amended** to remove Section 1546.2. If you have any questions, please do not hesitate to contact me at (916) 443-9088.

Sincerely,



Robert Callahan  
Director, State Government Affairs