April 28, 2014

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

Re: Email Privacy and Reform of the Electronic Communications Privacy Act (ECPA)

Dear Mr. President:

We write today to urge you to support reform of the Electronic Communications Privacy Act (ECPA) to guarantee that every American has full constitutional and statutory protections for the emails, photos, text messages, and other documents that they send and share online.

Among many other protections, ECPA regulates how the government can access the contents of electronic communications. Unfortunately, the law governing electronic communications has not been substantially updated since 1986. Under the statute, e-mail, documents stored in the cloud, and other private communications like photos and text messages do not receive the protection of the requirement of a search warrant approved by a judge. A warrant based on the probable cause standard is required for searches of U.S. mail, searches of a home, or even electronic communications that are not stored with companies like Google or Yahoo.

There is bipartisan legislation in the Senate and the House, S. 607 and H.R. 1852, which would make a simple fix to the law, by assuring that, regardless of where individuals store their communications, those communications searches will meet the constitutional probable cause standard and be safe from unjust government intrusion.

Updating our electronic privacy laws has enormous popular and political support. 100,000 Americans signed a petition in November 2013 urging your support for ECPA reform. That petition has still not received a response. More than 200 members of the House of Representatives have cosponsored H.R. 1852. The Senate Judiciary Committee has voted S. 607 out of committee on a voice vote. More than 100 privacy and consumer groups, companies, and trade associations have joined a coalition to reform ECPA. Civil rights, media justice, and privacy groups have recently endorsed civil rights principles for big data that call for updating constitutional protections like ECPA when addressing new technologies.

Seemingly, the only major impediment to passage is an objection by administrative agencies like the Securities and Exchange Commission, which would like to gut the legislation as a way to expand their investigative authorities. Such an agency carve out would be a major blow to reform efforts, allowing increased government access to our communications during the many civil investigations conducted by federal and state agencies. Support from the Administration for strong ECPA legislation without an administrative loophole would be an important step toward removing this roadblock.

You have a rare opportunity to work with Congress to pass legislation that would advance the rights of almost every American. Please act now to support meaningful privacy reform. Thank you.

Sincerely

ACT | The App Association

Advocacy for Principled Action in Government

American Association of Law Libraries

American Booksellers Foundation for Free Expression (ABFFE)

American Civil Liberties Union

American Library Association

Asian American Legal Defense and Education Fund

Asian Americans Advancing Justice | AAJC

Asian Americans Advancing Justice | Asian Law Caucus

Asian Law Alliance

Association of Research Libraries

Autonet Mobile

Bill of Rights Defense Committee

Center for APA Women

Center for Democracy and Technology

Center for Digital Democracy

Center for Financial Privacy and Human Rights

Center for Media Justice

Center for National Security Studies

Colorado Common Cause

Common Cause

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Competitive Enterprise Institute

Computer & Communications Industry Association

The Constitution Project

Consumer Action

Consumer Federation of America

Consumer Watchdog

Consumers Union

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CREDO Action

Defending Dissent Foundation

Demand Progress

Direct Marketing Association (DMA)

Discovery Institute

Distributed Computing Industry Association (DCIA)

Electronic Frontier Foundation

Engine Advocacy

Fight for the Future

First Amendment Coalition

Foursquare

FreedomWorks

Future of Privacy Forum

Generation Opportunity

Home School Legal Defense Association

I2Coalition

The Internet Association

Jefferson Project of the American Legislative Exchange Council

The Leadership Conference on Civil and Human Rights

Less Government

Liberty Coalition

Meetup

Media Literacy Project

Muslim Legal Fund of America (MLFA)

National Association of Criminal Defense Lawyers

National Consumers League

National Network to End Domestic Violence

National Organization for Women

New America Foundation's Open Technology Institute

Newspaper Association of America

Open MIC (Open Media and Information Companies Initiative)

Patient Privacy Rights

The People's Press Project

Personal

Privacy Rights Clearinghouse

Privacy Times

Public Knowledge

R Street Institute

reddit

RootsAction.org

SpiderOak

Sonic.net

Taxpayers Protection Alliance

TechFreedom

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United Church of Christ, OC Inc.

U.S. Chamber of Commerce

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World Privacy Forum