

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Changes to CISPA Have Not Solved Privacy Concerns

Sharon Bradford Franklin, Senior Policy Counsel at The Constitution Project, offered the following comments on the changes proposed by the House Intelligence Committee to the [Cyber Intelligence Sharing and Protection Act of 2011](#) (H.R.3523):

"While we appreciate the Intelligence Committee's efforts to address our concerns, the changes in the discussion draft do not come close to fixing the civil liberties threats posed by the bill, and some of the proposals would actually make CISPA worse.

"In particular, CISPA still lacks any meaningful limitations on the ways in which the federal government may use personal information and the content of private communications that are shared by private companies. The manager's amendment purporting to impose use restrictions provides only minimal limits, and the new discussion draft would make the problem worse by allowing companies to ask federal agencies to share the information submitted throughout the federal government. In addition, while some improvements have been made to the definition of cyber threat information that can be shared with the government in the first place, the definition is still overbroad and fails to require any efforts to minimize personally identifiable information. Finally, CISPA should explicitly require that companies may share information only with civilian agencies, not the National Security Agency or the Department of Defense.

"Some of the Committee's proposed changes do make a little progress toward addressing the civil liberties and privacy concerns of CISPA, but the legislation is still a long way from being acceptable."

Earlier this year, TCP released its [Recommendations for the Implementation of a Comprehensive and Constitutional Cybersecurity Policy](#).

[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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