

THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

**FOR IMMEDIATE RELEASE**

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## **TCP Lauds Senate Committee Vote to Strengthen Digital Privacy Law**

WASHINGTON, DC – The Senate Judiciary Committee approved a bill today to update the Electronic Communications Privacy Act (ECPA), a 1986 law that regulates government access to the content of private electronic communications such as emails and documents stored “in the cloud.” The bill would require the government to obtain a warrant based on probable cause in order to gain access to the content of such electronic communications.

“Rapid changes in technology should not mean that when we communicate by email or store records in the cloud we have less legal protection than when we send a letter by snail mail or store it in a desk drawer at home,” said Sharon Bradford Franklin, senior policy counsel at The Constitution Project (TCP). The bill passed today by the Senate Judiciary Committee would “help bring Fourth Amendment safeguards into the digital age, and Senator Leahy and committee members should be commended for their effort,” she said.

Franklin noted that law enforcement would still be able to seek electronic communications as evidence in criminal investigations and prosecutions, but only when they can establish probable cause and obtain a warrant. TCP is part of the Digital Due Process Coalition, which strongly supports modernizing ECPA to keep pace with changing technology.

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*Created out 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.*