

September 10, 2014

The Honorable Kevin McCarthy, Majority Leader  
U.S. House of Representatives  
Washington, DC 20515

Dear Leader McCarthy,

We write to urge you to bring to the floor H.R. 1852, the bipartisan Yoder-Polis bill updating the Electronic Communications Privacy Act (ECPA).

Updating ECPA would respond to the deeply held concerns of Americans about their privacy. H.R. 1852 would make it clear that the warrant standard of the U.S. Constitution applies to private digital information just as it applies to physical property.

The Yoder-Polis bill would aid American companies seeking to innovate and compete globally. It would eliminate outdated discrepancies between the legal process for government access to data stored locally in one's home or office and the process for the same data stored with third parties in the Internet "cloud." Consumers and businesses large and small are increasingly taking advantage of the efficiencies offered by web-based services. American companies have been leaders in this field. Yet ECPA, written in 1986, says that data stored in the cloud should be afforded less protection than data stored locally. Removing uncertainty about the standards for government access to data stored online will encourage consumers and companies, including those outside the U.S., to utilize these services.

H.R. 1852 would not impede law enforcement. The U.S. Department of Justice already follows the warrant-for-content rule of H.R. 1852. The only resistance to reform comes from civil regulatory agencies that want an exception allowing them to obtain the content of customer documents and communications directly from third party service providers. That would expand government power; government regulators currently cannot compel service providers to disclose their customers' communications. It would prejudice the innovative services that we want to support, creating one procedure for data stored

locally and a different one for data stored in the cloud. For these reasons, we oppose a carve-out for regulatory agencies or other rules that would treat private data differently depending on the type of technology used to store it.

H.R. 1852 is co-sponsored by over 260 Members, including a majority of the majority. We urge you to bring it to the floor. We believe it would pass overwhelmingly, proving to Americans and the rest of the world that the U.S. legal system values privacy in the digital age.

Sincerely,

Adobe

ACT | The App Association

American Association of Law Libraries

American Civil Liberties Union

American Library Association

Americans for Tax Reform

AOL

Apple

A Small Orange

Association of Research Libraries

Automattic

Autonet Mobile

Blacklight

Brennan Center for Justice at NYU Law School

BSA | The Software Alliance

Center for Democracy & Technology

Center for Financial Privacy and Human Rights

Cheval Capital

CloudTech1

Code Guard

Coughlin Associates

Competitive Enterprise Institute

Computer & Communications Industry Association (CCIA)

The Constitution Project

Council for Citizens Against Government Waste

Data Foundry

Digital Liberty

Direct Marketing Association

Disconnect

Discovery Institute

Distributed Computing Industry Association (DCIA)

Dropbox

DuckDuckGo

Endurance International Group

Evernote

Electronic Frontier Foundation

Engine Advocacy

Facebook

Foursquare

FreedomWorks

Future of Privacy Forum

Gandi

Golden Frog

Google

Hewlett-Packard

Information Technology Industry Council (ITI)

The Internet Association

Intuit

Internet Infrastructure Coalition (i2Coalition)

Kwaai Oak

LinkedIn

Media Science International (MSI)

Microsoft

NetChoice

New America's Open Technology Institute  
Newspaper Association of America  
Oracle  
Peer1 Hosting  
Personal  
Rackspace  
Records Preservation and Access Committee  
R Street Institute  
reddit  
ScreenPlay  
Servint  
Software & Information Industry Association (SIIA)  
Symantec  
Taxpayers Protection Alliance  
Tech Assets  
TechFreedom  
TechNet  
Tucows  
Tumblr  
Twitter  
U.S. Chamber of Commerce  
Yahoo! Inc.