

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Senate Cyber Bill Fails to Protect Privacy, TCP Says

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comment on the Senate's passage earlier today of the Cybersecurity Information Sharing Act (S. 754):

"Privacy is a fundamental American value that is protected by the Constitution. By failing to require companies to remove all personally identifiable information prior to sending data to the government, today's vote in the Senate potentially exposes the online activity of millions of Americans to collection and storage, while doing little to protect us from hackers or other bad actors. It also opens the door to law enforcement and intelligence agencies obtaining without a warrant sensitive personal data ordinarily protected by the Fourth Amendment. The Constitution Project will continue to push for better privacy protections as Congress seeks to combine this bill with that passed earlier by the House."

In April, the House passed the Protecting Cyber Networks Act (H.R. 1560). Unless the House

accepts the Senate bill as it is, the two versions must be reconciled and adopted before going to President Obama.

In 2012, The Constitution Project Liberty and Security Committee [issued a report](#) calling for specific procedures to limit the sharing of personally identifiable information between the private sector and government actors. The report also suggested that, unless it was legitimately obtained as a necessary component of the data specifically flagged as a possible cybersecurity threat, content should not be shared with law enforcement officials, or relied upon as evidence of a non-cyber crime, without a warrant.

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[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 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 through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.