



April 5, 2016

Memorandum in Support – The New York Electronic Communications Privacy Act

IN SUPPORT OF: A.9235 (Dinowitz)

SUBJECT: Relates to creating the New York electronic communications privacy act; relates to the search and seizure of electronic devices and electronic communications.

ConnectSafely.org would like to express its support for the New York State Electronic Communications Act (A.9235).

The New York State Electronic Communications Privacy Act would protect the privacy and public safety of New Yorkers of all ages by requiring a warrant for government access to electronic information in criminal investigations, while ensuring that law enforcement has the tools it needs to address crime in the digital age, including crimes against children. We believe that the bill is a clear step forward for the privacy and safety of children and adults.

ConnectSafely.org is a national non-profit organization dedicated to educating users of connected technology about safety, privacy and security. Our goals are to help users get the most from their technology while managing the risks, and to help decision makers craft sensible policies that encourage both innovation and responsible use. As an organization we are committed to protecting the safety, privacy and security of citizens in the digital age.

We are writing you today to explain why we strongly urge you to protect the fundamental rights to privacy afforded to all New Yorkers, including children, by passing A. 9235.

In addition to privacy protections, A. 9235 provides law enforcement with the tools to investigate and prosecute crimes against children. The bill allows essential tools to investigate crimes against children, including undercover and peer-to-peer investigations, without a warrant, and includes a robust emergency exception to the warrant requirement that is consistent with federal law so that the government can act immediately in any situation where there is a risk of serious physical injury to any person, including crimes against children. The notice requirement likewise has safeguards that ensure that it will not interfere with investigations.

As I stated in a September, 2015 Huffington Post article about California's Electronic Communications Privacy Act, we must "*be vigilant when it comes to child exploitation, terrorism, sexual abuse and other crimes but we also have to protect our constitutional rights. The right to protect children and the right to protect free speech and freedom from unlawful search and seizure are not in conflict.*"

A. 9235 protects privacy while empowering law enforcement agencies to carry out their essential work.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Dinowitz".

Larry Magid, C.E.O.

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