

FOURSQUARE

568 Broadway, 10th Floor, New York, NY 10012

Memorandum in Support – The New York Electronic Communications Privacy Act

IN SUPPORT OF: A.09235 (Dinowitz)

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

Foursquare Labs, Inc. is writing to express our support of A.09235.

It is well known that privacy laws have not kept up with the modern digital age. Sixteen states, including California, Utah, Maine and Texas have taken steps to enact legislation that extends basic civil protections to all forms of electronic data. In recent years New York has been a leader when it comes to so many important issues relating to the privacy rights of its citizens. But it is falling behind here. New York can change that with A.09235.

Users of online services, like Foursquare's Foursquare® and Swarm™ services, trust their information to these services, with the expectation that these services will protect their data. But law enforcement has taken advantage of outdated privacy laws to get access to sensitive electronic data from the providers of these services.

A.09235 will require law enforcement to go to a judge to get a warrant before they can access data from an online service provider, like Foursquare. We believe that A.09235 provides the right balance between strong privacy protections for New York's citizens and allowing law enforcement access to effective tools to protect the public's safety.

CONCLUSION: For the above stated reasons, New York should take action now and enact A.09235.

FOURSQUARE LABS, INC.



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General Counsel

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