



MEMORANDUM IN SUPPORT

The New York Electronic Communications Privacy Act

IN SUPPORT OF: **A.1895-A (Dinowitz)/S.6044 (Avella)**

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

The Internet Association is pleased to support **A.1895-A/S.6044** which would modernize New York's digital surveillance laws by providing stronger, more balanced protections for digital information when access is sought by law enforcement. The Internet Association unites the interests of leading global Internet companies and their online community of users. IA is dedicated to advancing public policy solutions to strengthen and protect Internet freedom, foster innovation and economic growth, and empower users.

America's online privacy law was written thirty years ago, before the birth of the modern Internet, and has since been outpaced by the rapid evolution of technology. Modern Internet users choose to use web-based e-mail and other digital tools to send and store some of their most personal information, and they expect this digital information to have the same Constitutional protections as it would in the non-digital context. Yet, there is a lack of clarity about when and how the government can gain access to this type of information. **A.1895-A/S.6044** will help address these issues by ensuring a warrant is obtained prior to the government gaining access to users' digital information.

The Internet industry also understands and supports law enforcement's important mission to maintain the safety of citizens, and **A.1895-A/S.6044** has built-in, thoughtful exceptions for public safety needs. Outside of these scenarios, however, it should be clear that law enforcement must obtain a warrant before gaining access to content, regardless of whether that access is in cyberspace or physical-space. For these and other reasons, we are pleased to support this legislation and encourage its swift passage.