



April 7, 2016

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.

The National Center for Lesbian Rights (NCLR) is pleased to support A.09235, which would safeguard New York residents' electronic information. NCLR is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender (LGBT) people and their families through litigation, public policy advocacy, and public education. We believe this legislation would protect LGBT New Yorkers by ensuring that their sensitive communications through electronic devices are protected.

Over the past several decades, the LGBT community has been subject to extreme and unlawful scrutiny by law enforcement officials. This trend continues today, with law enforcement agencies performing unlawful sting operations that target gay and bisexual men, health departments subjecting LGBT people to higher levels of scrutiny, and police disproportionately profiling and arresting transwomen. As a result of this abusive surveillance and profiling, LGBT people have been incarcerated, lost their jobs, been abandoned by their families, and in some cases, murdered or driven to suicide. Considering this fraught history alongside the proliferation of personal communications via electronic devices, NCLR supports the effort by the New York State Assembly to ensure that residents of New York – including LGBT residents – are able to keep their electronic communications private. While it is important for all citizens' electronic records to be safeguarded for privacy reasons, ensuring the electronic privacy of LGBT people is also, as referenced above, a safety and stability issue. A.09235 would take important steps toward ensuring that electronic communications are not readily available to government officials and other institutions without a pressing need, and would thereby help preserve the privacy, safety, and dignity of LGBT New Yorkers.

Accordingly, we thank you for supporting this important legislation. We are happy to endorse it.

Sincerely,

National Center for Lesbian Rights