

# consumer action

Education and advocacy since 1971

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March 9, 2015

Honorable Mark Leno  
State Capitol, Room 5100  
Sacramento, CA 95814

**Re: SB 178 (Leno) – Support**

Dear Senator Leno,

Consumer Action is pleased to support SB 178, which will protect Californians from warrantless searches of our digital information.

California's Constitution specifies a right to privacy for its people. Our privacy laws, however, have failed to keep pace with technological advances. For example, although law enforcement does not have the right to ransack your file cabinet or search through your home computer without first obtaining a warrant from a judge, police routinely demand warrantless access to information on citizens' smartphones, the modern-day file cabinet. Consumers should not have to choose between enjoying new technology and protecting their privacy, but we increasingly face this dilemma.

Consumer Action has been a champion of underrepresented consumers nationwide since 1971. A non-profit 501(c)3 organization, Consumer Action focuses on consumer education that empowers low- and moderate-income and limited-English-speaking consumers to financially prosper. Through our Privacy Information Project, we distribute free publications and information about issues that affect consumers' privacy.

Government and law enforcement entities often claim that searches of electronic devices are performed only for legitimate purposes, and imply that privacy rights and public safety are somehow a zero-sum game. But after revelations of mass warrantless surveillance conducted by the NSA, "just trust us" promises are unconvincing, and are insufficient to protect our rights. SB 178 strikes a sensible balance, allowing law enforcement to search digital content in order to solve crimes once they have obtained a search warrant.

We are concerned that the absence of privacy protections for digital devices invites unintended consequences, and we have seen recently. A California Highway Patrol officer was convicted in January, 2015 of stealing explicit photos from the smartphones of young women he had arrested, part of an alleged "game" played by fellow CHP

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officers.<sup>1</sup> The erosion of privacy rights, in other words, results not only in fewer protections for us as citizens, it also can encourage the spread of illegal activities that harm us.

Texas, Maine, and Utah have already passed laws to better protect our digital information in ways consistent with what our physical objects enjoy. It is time for California to do the same.

Joe Ridout  
California Legislative Coordinator  
Consumer Action

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<sup>1</sup> <http://www.sfgate.com/crime/article/Disturbing-texts-in-CHP-officers-nude-photo-5846327.php>