



# Privacy Rights Clearinghouse

Empowering Consumers. Protecting Privacy.

The Honorable Mark Leno  
State Capitol  
Sacramento, CA 95814

March 11, 2015

By email to: [daniel.seeman@sen.ca.gov](mailto:daniel.seeman@sen.ca.gov)

**Re: SB 178 – SUPPORT**

Dear Senator Leno:

Privacy Rights Clearinghouse (PRC), a San Diego-based nonprofit consumer education and advocacy organization supports SB 178. This bill would extend the protections afforded by the Fourth Amendment of the U.S. Constitution and Article I, Section I of the California Constitution to include many kinds of digital data.

With rapidly emerging technology, it becomes even more important to protect the privacy rights enshrined in the California Constitution. While digital data provides law enforcement with an important crime solving tool, there must be a balance between security and privacy. That balance has traditionally been struck by law enforcement obtaining a search warrant before they can access private information. Individuals should be able to maintain the privacy of their electronic data, just as they maintain the privacy of their non-digital data. SB 178 would require law enforcement to obtain a search warrant before it can access data on an electronic device or from an online service provider.

While the premise of SB 178 is the strong privacy protections enshrined in the California Constitution, even the U.S. Supreme Court has recognized the need to protect digital data. Its decision in *Riley v. California*, 134 S. Ct. 2473 (2014) confirmed that electronic devices like cell phones and the digital data stored on the phone, differ from other physical objects accessible to law enforcement. Thus, the Supreme Court required police to obtain a warrant before searching the data on a cell phone incident to arrest.

SB 178 follows the spirit of *Riley* and extends the warrant requirement to digital information that reveals personal and sensitive details about who we are, whom we communicate and associate with, and where we've been. While law enforcement will still be able to obtain this information and utilize it to solve crimes, SB 178 provides needed oversight by requiring law enforcement obtain a search warrant in order to access this wealth of information. The bill contains reasonable exceptions that allow law enforcement to obtain digital information without a warrant during an emergency.

Thank you for your time and attention. Please feel free to contact me if you have any questions about our position on this matter.

Sincerely,

Beth Givens, Executive Director

cc: SEN Public Safety, [mary.kennedy@sen.ca.gov](mailto:mary.kennedy@sen.ca.gov)  
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