



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

September 25, 2017

The Honorable Edmund G. Brown Jr.
Governor of the State of California
Sacramento, California, 95814

Re: S.B. 31 – Request for Signature

Dear Governor Brown,

On behalf of the Electronic Frontier Foundation (EFF), I write to urge you to sign S.B. 31. This bill, authored by Sen. Lara, would prevent state and local government in California from assisting the federal government in creating a registry based on religious belief, national origin, or ethnicity.

EFF is a member-supported, nonprofit civil liberties organization that protects free speech and privacy rights in the digital world. EFF was founded in 1990, is headquartered in San Francisco, and has over 38,000 members.

Why California Needs S.B. 31

Governments gather all manner of personal information from members of the public, often for seemingly benevolent purposes, and store it in databases. All too often, governments proceed to reuse that personal information in a manner that hurts these same people. Vulnerable populations suffer most frequently from such database abuse.

The original sin at the dawn of our nation's database era is the shameful use of stored personal information to round up and intern Japanese Americans during World War II. Specifically, the U.S. Census Bureau shared its supposedly confidential data about the names and addresses of Japanese Americans with the military officials in charge of internment. While the government initially gathered this personal information for a legitimate purpose, the government wrongfully diverted it to an illegitimate purpose.

Today, many Muslim Americans and their allies fear that the federal government will abuse government databases to implement the President's campaign pledge to build a Muslim registry. State and local governments in

815 Eddy Street • San Francisco, CA 94109 USA

voice +1 415 436 9333

fax +1 415 436 9993

web www.eff.org

email information@eff.org

California possess myriad databases that the federal government might try to use to locate and list Muslim residents. Many California agencies (including police, human services, and universities) gather and store a host of personal information (including names, addresses, and social security numbers) from vast numbers of people. Federal data miners could abuse these California databases to pursue Muslims.

How S.B. 31 Would Protect Religious and Other Minorities

S.B. 31 would prevent state and local government in California from helping the federal government to create a registry based on religion, national origin, or ethnicity.

Several rules would apply to all state and local agencies and employees. First, they could not disclose to the federal government any information about a person's religious beliefs, for purposes of creating a registry based on religious affiliation, national origin, or ethnicity. *See* Sec. 8310.3(b)(1). Second, they could not use agency money, equipment, or personnel to create such a registry. *Id.* at Sec. (b)(2). Third, they could not make information from their databases available for such a registry. *Id.* at Sec. (b)(3).

Two additional rules would also apply to all state and local police agencies and employees. They could not collect information about religious belief, except when relevant to a criminal investigation, or to provide religious accommodations. *Id.* at Sec. (c)(1). Also, they could not use agency money, equipment, or personnel to enforce any federal registration requirement based on religious belief, national origin, or ethnicity. *Id.* at Sec. (c)(2).

* * *

We respectfully urge you to sign S.B. 31. If you have any questions, please do not hesitate to call me at (415) 436-9333, extension 176, or to email me at adam@eff.org.

Sincerely,

Adam Schwartz
Senior Staff Attorney