



Testimony submitted to the Joint Committee on the Judiciary
In support of H.3422/S.861 An Act to protect electronic privacy
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The League of Women Voters of Massachusetts (LWVMA) has consistently supported upholding the U.S. Constitution and the Fourth Amendment guaranteeing freedom from unreasonable search and seizure, which is the key to our privacy rights. The founding fathers could not fully have envisioned the evolution of technology. The requirement for a warrant prior to any search or seizure of private property and information is a basic tenet that was written very broadly. This requirement is now being severely compromised by the unregulated procedures of law enforcement regarding our personal electronic devices.

Most people no longer have all their personal information on paper inside a home that everyone agrees requires a warrant to enter. Younger people often have 100% of that personal information on their cell phone or in the internet cloud. This information needs to be protected just as if it were on yellowing paper in a file cabinet at home.

At the federal level, the Supreme Court in 2014 (*Riley vs. California*) affirmed that data may not be taken from an arrested person's cell phone without first obtaining a warrant. This bill would make the logical extension that a warrant is also required to get data not just from your phone, but also from your phone company or internet service providers in Massachusetts. As Chief Justice Roberts wrote in that case: "Modern cell phones are not just another technological convenience. With all they contain and all they may reveal, they hold for many Americans 'the privacies of life.' The fact that technology now allows an individual to carry such information in his hand does not make the information any less worthy of the protection for which the Founders fought."

This bill, substantially revised and updated from the version filed last session, addresses many other issues associated with electronically creative ways to steal information from someone's phone and other electronic records without their permission or knowledge. An important aspect of this bill is the prohibition on corporate holders of one's private information from sharing that information without a warrant.

Very few of us fully understand all the ways our privacy now can be and is routinely violated, and this bill provides essential protection as we all strive to better understand and regulate the powers to invade privacy that we have created.

The LWVMA, representing 47 local Leagues from Cape Cod to the Berkshires, knows that the right to privacy is a cornerstone of our democracy. The LWVMA is encouraged by the large number of co-sponsors and looks forward to this bill passing this session.

Thank you for your consideration.