

April 18, 2012

Honorable Mark Leno
California State Senate
State Capitol
Sacramento, CA 95814

Re: OPPOSE SB 1434

Dear Senator Leno:

On behalf of CTIA-The Wireless Association and its member companies, I write in opposition to California Senate Bill 1434, which would prohibit government entities from obtaining location information from electronic devices without a warrant and would require providers, including wireless providers, to publish on the Internet searchable detailed reports relating to government requests for location information. CTIA is the international trade association for the wireless telecommunications industry representing wireless carriers, device manufacturers, and Internet service providers.

The wireless industry appreciates the goal of SB 1434, but we have serious concerns that the legislation may create confusion for wireless providers and hamper their response to legitimate law enforcement investigations. In addition, the provider reporting requirements create unduly burdensome and costly mandates on providers and their employees and are unnecessary as they will not serve wireless consumers.

It is important to note from the outset that wireless providers currently comply with numerous state and federal laws when disclosing customer information. Instead of assisting with such compliance, definitions within SB 1434 are so overly broadly that they could create confusion for wireless providers attempting to respond to legitimate law enforcement requests. For example, the definition of "location information" is so sweeping that it could implicate information generally considered basic subscriber information under federal law. Since the implications of this definition are unclear, wireless providers will have difficulty figuring out how to respond to requests for such information. It could place providers in the position of requiring warrants for all law enforcement requests.

Moreover, the provider reporting mandates in SB 1434 would be onerous and costly. The bill would require providers to report the total number of location information disclosures annually, the number of times location information has been disclosed, the number of times no location information has been provided, the number of times providers contest such demands, and the number of users whose location information has been disclosed. Additionally, these reports would need to be posted on the Internet in a searchable format.

These reporting mandates would unduly burden wireless providers and their employees – who are working day and night to assist law enforcement to ensure the public’s safety and to save lives.

It is also unclear what useful purpose such reports would serve. As wireless providers are constantly working to respond to ever-changing consumer demands, it is doubtful that diverting provider resources away from meeting these demands to comply with these reporting mandates would best serve wireless consumers.

In closing, the wireless industry opposes SB 1434 as it could create greater confusion for wireless providers when responding to legitimate law enforcement requests and places onerous and unnecessary reporting mandates on wireless providers and their employees.

If you have any question, please contact Steve Carlson at (916) 498-3363 or scarlson@stevecarlsonassociates.com.

Sincerely,



Jamie Hastings
Vice President, External & State Affairs

Cc: Members, Senate Public Safety Committee
Mary Kennedy, Consultant, Senate Public Safety Committee
Eric Csizmar, Senate Republican Caucus