

SB 602 (Yee) Reader Privacy Act of 2011: Updating California Book Privacy Law

The books we read reveal private, often sensitive information about our political and religious beliefs, our health concerns, and our personal lives.

Throughout history, government and third parties have tried to collect evidence of these reading habits to trample unpopular ideas and beliefs and watch activists. That's why California law has long recognized the importance of safeguarding reading records and other expressive material.

As Californians increasingly turn to online book services to browse, buy, and read books, it is essential that our laws continue to safeguard reader privacy in the digital age. But the laws simply have not kept up.

The Reader Privacy Act of 2011 updates reader privacy laws by mirroring the strong privacy and free speech standards in California law—ensuring that government and third parties cannot compel disclosure of private reading records without proper justification.

As Californians Go Online for Books, Reading Records Are Becoming a Target

Digital books are now outselling paperbacks on Amazon.com, readers are turning to online services like Google Books, and it is now predicted that sales of e-readers will reach 30-million by 2013. But digital book services often collect even more detailed information about readers -- including which books are browsed but not chosen, how long each page is viewed, and even the notes written in the margins -- making reading records an even larger target for government surveillance.

The Reader Privacy Act of 2011 is Good for Business

Clear safeguards for reader privacy are good for business and adoption of new technology. Consumers will be able to feel comfortable using new digital book services and not have to worry that their personal information will be left unprotected.

Digital Book Upgrades Should Not Lead to Reader Privacy Downgrades

California should be a leader in promoting the use of new technology by ensuring that upgraded technology does not mean downgraded privacy. The Reader Privacy Act of 2011 balances reader privacy with the needs of law enforcement, by mirroring the privacy and free speech safeguards in the California constitution and other areas of California law.

Summary of SB 602: The Reader Privacy Act of 2011

The Reader Privacy Act of 2011 protects reader privacy:

- Government entities must obtain a court order by showing a compelling interest and that they are using the least intrusive means and provide notice to the reader when the court order is executed; and the book seller or provider is given prior notice and given the opportunity to appear and contest.
- Third parties seeking to compel disclosure in a civil or administrative action must obtain a court order by showing a compelling interest and they are using the least intrusive means and when both the book seller or provider and the reader are given prior notice and the opportunity to appear and contest before disclosure.
- Reading records may otherwise be disclosed when the reader consents or exigent circumstances exist.

Reader Privacy Act of 2011 Supported by Diverse Organizations and Companies Including:

- American Civil Liberties Union (ACLU)
- Californians Aware
- California Library Association
- Center for Democracy and Technology
- Consumer Federation of California
- CALEGISLATION
- Electronic Frontier Foundation (EFF)
- Google
- Alibris
- Monsoon Commerce Solutions
- Pamela Samuelson, Professor of Law- University of California, Berkeley
- Privacy Activism
- Privacy Rights Clearinghouse

For more information, please contact:

Valerie Small Navarro, American Civil Liberties Union, 916/442-1036 x302, vsmallnavarro@acluleg-ca.org or

Cindy Cohn, Electronic Frontier Foundation 415.436-9333 x108 ccohn@eff.org