

Google Pushing For Updated Privacy Laws that Reflect Digital Age

By Donald Scarinci

Companies like Google receive hundreds of requests per week from courts and government agencies seeking access to private user account information. Although Google complies with valid subpoenas, court orders, and warrants, the company has also expressed concern about overly broad requests and the need for [new data privacy laws](#).

In a recent [blog post](#), Google announced that it plans to continue its push to update laws like the Electronic Communications Privacy Act. “We’re a law-abiding company, and we don’t want our services to be used in harmful ways. But it’s just as important that laws protect you against overly broad requests for your personal information,” Google’s Chief Legal Officer, David Drummond, wrote.

The Electronic Communications Privacy Act was implemented in the early days of the Internet. As a result, it fails to address the realities of modern email use and new technologies like [social media](#). For instance, under the ECPA, opened emails that are stored on a provider’s server for more than 180 days are deemed abandoned and do not require a warrant. Thus, they are not afforded the same privacy protections as emails stored on a home computer or documents kept in a file cabinet.

Because email providers like Google now store user emails on the cloud indefinitely, government officials can gain access to a wealth of information without having to show probable cause. In fact, in many cases, officials can obtain the emails without any court involvement by simply issuing a subpoena.

Last year, Senator Patrick Leahy (D-VT) introduced legislation to amend the ECPA. It would have required the government to obtain a search warrant, based upon probable cause, before obtaining email and other electronic communications from a third-party service provider. However, it received significant criticism from the law enforcement community, which argued that the proposed restrictions would hamper criminal investigations. The bill ultimately died in Congress.

Nonetheless, Leahy, who chairs the Senate Judiciary Committee, recently pledged to make amending the law one of his top priorities in the new session. “After three decades, it is essential that Congress update ECPA to ensure that this critical law keeps pace with new technologies and the way Americans use and store email today,” Leahy said in a statement last month.