



Doug Engmann  
Dale Carlson  
Calvin Welch  
San Franciscans for Neighborhoods, Affordable Housing & Jobs  
San Francisco, CA  
Via email

May 4, 2015

**Re: Amend Your Initiative To Protect San Franciscans' Privacy Rights**

Dear Mr. Engmann, Mr. Carlson and Mr. Welch,

Ensuring that owners renting their homes online pay appropriate taxes need not require California citizens to relinquish their right to privacy. Unfortunately, that is what your proposed ballot initiative imposing regulations on home sharing would do. We call upon you to withdraw the provisions of the initiative that set what the Los Angeles Times editorial board recently called "a dangerous precedent."

Corporations have traditionally only had to turn over private financial information of individuals in the face of a warrant or subpoena. However, your initiative would require Internet home sharing sites, such as Airbnb, to turn over to San Francisco, individual's private financial information about the number of nights they rented their homes and amount paid for the rental of their property through the site.

The *Times* editorial took issue with a similar provision in a proposed Santa Monica law: "That would set a dangerous precedent for forcing private companies to monitor the behavior of their customers on behalf of the government. If it's good for Airbnb, why not require automakers to have their cars generate reports for the police whenever they're driven faster than 70 mph in California, the highest possible legal speed? Or require contractors to alert the city when they're asked to build an addition that's too large?" (<http://www.latimes.com/opinion/editorials/la-ed-rentals-airbnb-20150430-story.html>)

The San Francisco Chronicle similarly opined about the privacy implications of a city proposal mimicking yours, "Supervisor David Campos is also proposing amendments that would cap all rentals at 90 days a year, require rental companies to give the city names and addresses of hosts, and allow neighbors to sue violators. We don't agree with these amendments, because their implications include privacy violations and litigious zealotry."

Surely there is a way to accomplish your stated ends without compromising the inalienable privacy protections guaranteed to individuals under Article I Section I of the California constitution. As written, your initiative is an unwarranted intrusion into user's privacy and inappropriately requires the home sharing platform to do the enforcement work that should rightfully be done by the city.

Imagine the outcry if California's Franchise Tax Board required eBay to report the name, number of sales and amount collected in each sale for every person selling tchotchkes through the site, in order to seek out income tax cheats. Californians value privacy so highly we guaranteed it in the state Constitution. The users of home sharing sites have no less right to privacy simply because the companies may be unpopular with some.

Americans balk at this kind of mass data collection when the government does it in the name of preventing terrorism. Why would it be acceptable when the government's aim is to catch homeowners violating zoning codes or skimping on their taxes?

The legitimacy of sweeping government demands for Internet users' transactional and personal data is the central privacy question of our time. Requiring e-commerce sites to turn over all their personal data so enforcement officials can scour through records and search for potential violations of local laws amounts to a blank search warrant and a basic violation of our civil rights.

A government request for personally identifiable data should carefully balance the right to privacy against the right to safety and security for the public. Judges typically need to issue warrants for such information because it is considered each citizen's right to protect it. Throwing open the door to mass data collection – with no legal justification like a warrant – would deal a serious blow to privacy rights in San Francisco.

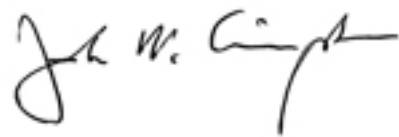
We don't have a problem with requiring people offering home sharing accommodations to get a business license and to pay occupancy taxes. Nor do we object to the city exercising its zoning rights – whether it is to limit home sharing, vacation rentals, or prohibit them all together. Nevertheless, surrender of users' privacy rights is not the way to go about regulating it.

People using home sharing sites to offer accommodations should follow zoning laws and pay their taxes. However, the blunt approach to enforcement contemplated by your ballot initiative is a slippery slope and a significant threat to privacy. We urge you to delete the privacy invasive provisions from your proposed initiative that require the surrender of users' personal information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jamie Court".

Jamie Court  
President

A handwritten signature in cursive script, appearing to read "John M. Simpson".

John M. Simpson  
Privacy Project Director