



The Hon. Mike McGuire
California State Senate
Capitol Building, Room 5064
Sacramento, CA 95814

April 23, 2015

RE: SB 593 (McGuire)

Dear Sen. McGuire,

A state mandate for an Internet corporation to turn over personally identifiable information about its users to local governments is the very definition of an invasion of privacy. It was astonishing to see you describe these serious privacy concerns with your SB 593 in the Los Angeles Times as “hogwash.”

Your bill would require home sharing sites to turn over to local governments the address, number of nights rented, and amount paid to every user that rents their home through the site. Obviously, any government agency that has a person’s address in hand is going to be able to determine the person’s name as well.

Government demands for the wholesale production of Internet users’ transactional and personal data is the central privacy question of our time. Throwing open the door to mass data collection – with no legal justification, like the warrant currently required to demand such broad information from any private company – would be a serious blow to privacy rights in California. Requiring e-commerce sites to turn over 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. SB 593 opens the door to establishing such inappropriate government powers.

We are not suggesting that your bill requires personal information about people who stay at homes offered through these sites to be turned over -- although as some jurisdictions have demanded this information from home sharing sites as well. We are simply noting that people using home sharing sites to offer accommodations rightfully do not expect that Internet companies will summarily turn over their data to local government enforcement officials. This blunt approach to enforcement is a slippery slope and a significant threat to privacy.

It is also completely unnecessary if the aim of the bill is simply to ensure taxes are collected. Smart regulations in this developing market make sense and we would support them.

Ensuring that owners renting their homes online pay appropriate taxes does not require California citizens to relinquish their right to privacy. To that end, SB 593 can be easily amended to eliminate its troubling privacy implications and gain our support, by deleting everything in the bill except the definitions and the last section:

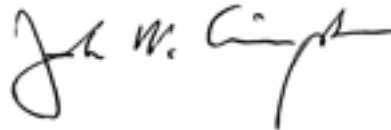
“(d) A city, county, or city and county may require the operator of a hosting platform to collect applicable transient occupancy tax imposed by that local agency, and to remit that tax to that agency.”

We look forward to discussing this possibility with you.

Sincerely,

Handwritten signature of Jamie Court in black ink.

Jamie Court
President

Handwritten signature of John M. Simpson in black ink.

John M. Simpson
Privacy Project Director

Cc: Randy Chinn, Chief Consultant, Senate Transportation and Housing Committee,
Alexandra Salgado, Consultant, Senate Republican Caucus.