

# Oregon poised to give outdated privacy laws a reboot

BY BECKY STRAUS  
CONTRIBUTING COLUMNIST

Edward Snowden revealed to the world the great extent of government overreach and mass surveillance on a national scale. As the 2015 Oregon Legislature convenes in Salem next week, curbing warrantless spying here at home should be at the top of its agenda.

With Sens. Chip Shields (D-Portland) and Tim Knopp (R-Bend) and Reps. Jennifer Williamson (D-Portland) and John Huffman (R-The Dalles), the ACLU of Oregon will advocate for key bills to protect Oregonians' privacy.

## Regulate automatic license plate reader surveillance technology

Law enforcement agencies are now deploying license plate reader surveillance technology in Oregon without adequate or consistent privacy restrictions. Many agencies are retaining the location information and photograph of every vehicle that crosses the camera's path, not simply those that generate a hit. In the aggregate, this stored private location data can reveal the travel histories of thousands of Oregonians who have committed no crime. Longer retention periods and the absence of restrictions on sharing allow the government to assemble the individual puzzle pieces of where we have been over time into a single, high-resolution image of our lives. We are urging the Legislature to impose consistent statewide guidelines for government's use of automated license plate recognition, or ALPR, surveillance technology, including benchmarks for use of the technology, safeguards limiting how long the data can be retained, and protections against unnecessary sharing of individuals'

Becky Straus is the legislative director for the American Civil Liberties Union of Oregon.

data between government and private companies.

## Prohibit unwarranted access to electronic communications and location information

Electronic communication — through e-mail, cell phones and social media — has increasingly eclipsed postal mail and other hard-copy methods as our primary means of communication. Unfortunately, some government agencies interpret our outdated privacy laws to allow them to intercept and access a treasure trove of information about who we are, where we go and what we do — the information being collected by search engines, social networking sites and other websites every day. Similarly, location tracking information — GPS records, cell phone location records, etc. — can reveal very sensitive information about a person's life, ranging from which friends they are seeing to where they go to the doctor to how often they go to church.

We believe that the constitutional protections against unreasonable searches and seizures should protect these types of information held by third parties — such as internet service providers and phone companies — unless the government has probable cause of wrongdoing and gets a court order. But waiting for the courts to enforce the Constitution relating to newer technologies could take many years and may not be successful. Our proposed legislation will reboot our privacy laws to ensure that that online and other digital activity, as well

as sensitive location tracking records, receive the same protection as is guaranteed to offline activity.

they have a search warrant based on probable cause.

## Cellphone search? Get a warrant!

The type of data stored on a smartphone can paint a near-complete picture of even the most private details of someone's personal life. Before the age of smartphones, it was impossible for police to gather this much private information about a person's communications, historical movements and private life during an arrest. Today, many police officers routinely search the contents of a person's cellphone during an arrest encounter.

Sometimes officers do so with the aid of companies like Cellebrite that produce tools that strip a cellphone of all its data on the scene. Such searches are a highly concerning invasion of privacy and are, in the ACLU's opinion, unconstitutional.

Last term, the U.S. Supreme Court agreed with this position and directed law enforcement to get a warrant before searching a cellphone. By codifying and narrowing this ruling, our legislative proposal affirms that individuals are entitled to smartphone privacy and that government agents may not search a cellphone unless

## Detail privacy-protective policies for police body cameras

Even before, but certainly in the wake of the shooting of Michael Brown in Ferguson, Mo., last year, many Oregon law enforcement agencies were looking to equip officers with body cameras to record their encounters with members of the public. While the ACLU generally takes a dim view of the proliferation of surveillance in our society, we hope that body cameras can be different. Guided by the right privacy policies, body cameras have the potential to serve as a much-needed check on police misconduct and hold officers accountable for abuse of power. We are working this session with legislators to reconcile the many important

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ACLU was successful in the 2013 session with important wins on law enforcement use of drones and privacy protections for social media accounts at work and at Oregon universities. The Legislature should advance this 2015 package to take the next step to rein in the surveillance state.

## Who Am I

by Sean Sheffield

I think it is a mixture  
Of culture and childhood heroes  
Who make us  
My heroes were Dr. Martin Luther King and Malcolm X  
I tried to bring compassion and understanding  
To people like Dr. King did  
But also a passion and a fire  
To my arguments like Malcolm X  
Every now and then I let  
The Hulkmania run wild  
Growing up  
In a gang neighborhood  
Gave me an understanding  
Of different cultures  
And a determination  
That feeds me to this day  
All of these things  
Make me  
Who I am  
Today

alberta co op  
grocery

small carts  
big hearts



good.local.food

1500 ne alberta st.  
albertagrocery.coop  
503 287 4333  
open to all 9am- 10pm daily



Kristina Wright | Real Estate Agent  
Bellmoore Realty  
503/479.5764  
Kristina@PortlandHomeGal.com  
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All wrapped into one person

