

Missouri is becoming recognized as a startup and technology hub. Prioritizing the digital autonomy of state residents is crucial to keeping pace with emerging technologies.

*This bill is widely supported by privacy organizations and the technology industry. 2017 is expected to mark a watershed moment for privacy legislation and Missouri has the opportunity to lead.*

## PASSWORD PRIVACY LEGISLATION BOLSTERS MISSOURI'S COMMITMENT TO CONSTITUTIONAL RIGHTS AS TECHNOLOGY EVOLVES

*While much information online is public, we all have the right to keep parts of our digital lives private.*

The things we choose to keep private in our online lives — including direct messages, non-public information shared in social media accounts, and user data — are protected by a password because we have chosen to keep it private. Just because an activity occurs online, it should not mean that an individual's Fourth Amendment right to privacy is diminished.

*Missourians voted to add protections to the state's Bill of Rights saying to protect privacy rights in the digital age.*

The Missouri Bill of Rights says, "That the people shall be secure in their persons, papers, homes [and], effects, and electronic communications and data, from unreasonable searches and seizures..."

This legislation helps to honor the will of the people.

*Protecting privacy encourages free and open expression online, and limits the chilling effects that would result from school officials, employers, and landlords having access to your online communication.*

Freedom of expression is a foundation of both the United States and Missouri constitutions. Protecting privacy allows free expression to thrive.

We would never think it's OK for an official to read an employee's, applicant's, or student's diary or postal mail, listen in on chatter at their private gatherings with friends, or look at their private videos and photo albums without permission. This proposal ensures we protect electronic information the same way.

*Targeted password privacy legislation codifies many best practices:*

Password privacy legislation prohibits schools, landlords, and employers from punishing a student, potential student, tenant, employee, or candidate for employment for refusing to reveal their password. These groups are the biggest targets of online account privacy violations. This bill protects all of them.

This bill does not allow unsupported, general allegations of misconduct to justify access to entire accounts. Rather, specific allegations allow equally specific access — that is how to best protect privacy.

Sharing a password may expose a lot of information about a job applicant such as age, religion, ethnicity, and pregnancy. That could expose an applicant to unlawful discrimination. It could also expose an employer to lawsuits from rejected job candidates, claiming such discrimination. Password privacy legislation decreases this risk.

*This type of bill has momentum across the country and is vital to Missouri's ability to keep pace with emerging technology.*

Sixteen states introduced versions of this legislation in 2016. Students in Delaware and California already enjoy this type of protection. Employees are protected in Maryland, Illinois, and California. This bill is widely supported by privacy organizations and the technology industry, including the State Privacy and Security Coalition, TechNet, the Internet Coalition, and NetChoice. 2017 will likely be a watershed year for privacy legislation. Missouri has the opportunity to lead states across the country.



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