



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

March 20, 2014

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Jay Inslee:

I write today on behalf of the Electronic Frontier Foundation (EFF), a civil liberties organization that has worked at the intersection of civil liberties and technology for over 20 years. We are encouraged by the passage of EHB 2789 through the House and Senate, and urge you to safeguard the privacy of the people of Washington by signing the bill into law.

At EFF, we've monitored developments in all forms of electronic surveillance of individuals, and have been a leading voice calling for transparency and sensible limits on the use by law enforcement of unmanned aircraft—or as they're known more commonly, "drones."¹ Through freedom of information requests and lawsuits, we have successfully uncovered and published details on how drones are being used domestically at the local, state, and federal levels. Our organization has consulted with state and federal legislators and issued guidelines for what responsible drone regulation must include.²

EHB 2789 meets those guidelines, and would set Washington apart as a leader in how states can address the new challenges to privacy posed by technologies such as drones. As the power of high-tech surveillance gear increases, and the cost of deploying and using that gear decreases, legal limits must be established to keep law enforcement capabilities in line with people's reasonable expectations of privacy. EHB 2789's warrant requirements, data minimization framework, and retention limits serve that purpose.

Further, EHB 2789 makes important transparency guarantees about procurement by government agencies, and requires those agencies to publicly report information about how drones are actually used. Public data about drone use can help to prevent the sort of costly backlash that occurred around the Seattle Police Department's acquisition of drones last year.

¹ For links to EFF's drone-related work, see generally *Drone Flights in the U.S.*, EFF.org, <https://www.eff.org/foia/faa-drone-authorizations>.

² Our guidelines for drone regulations, delivered by letter to Aerospace States Association in June 2013, are described in detail and available at *All Drone Legislation Must Meet These Three Requirements*, EFF.org, <https://www.eff.org/deeplinks/2013/06/all-drone-legislation-must-meet-these-three-requirements>.

815 Eddy Street • San Francisco, CA 94109 USA

voice +1 415 436 9333

fax +1 415 436 9993

web www.eff.org

email information@eff.org



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

The bill achieves these aims without creating an unnecessary burden on agencies and individuals hoping to take advantage of the benefits that drone technologies can bring. It establishes a reasonable framework for allowable uses of drones, and even has carefully drafted exceptions to the warrant requirement for law enforcement in specific cases.

This legislation is a strong first step towards establishing reasonable drone policy, but should not be considered the final word. As drone technology advances and its use becomes more prevalent, additional regulations, such as limits on how the government uses data from private drones, may become necessary.

Still, the legislation is a considerate and well-drafted initial framework for drone use in Washington. We urge you to sign it into law.

Best Regards,

Parker Higgins
Electronic Frontier Foundation

cc: Sandy Mullins, Senior Policy Advisor for Public Safety and Government Operations; Joby Shimomura, Chief of Staff

815 Eddy Street • San Francisco, CA 94109 USA

voice +1 415 436 9333

fax +1 415 436 9993

web www.eff.org

email information@eff.org