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Bill to Protect Californians' Privacy, Personal Safety, and Financial Security Advances in State Senate

SACRAMENTO – The State Senate yesterday approved a bill with broad bipartisan support (29:7) that would prohibit state and local governments from issuing identification documents containing a Radio Frequency Identification (RFID) tag, a device that can broadcast an individual's most private information including their name, address, telephone number, and date of birth. The bill will be heard next in the State Assembly. It is the first bill of its kind in the country and has drawn national attention following the federal government's decision to embed RFID tags in new U.S. passports.

Known as the Identity Information Protection Act of 2005, SB 682 was authored by State Senator Joe Simitian (D-Palo Alto). The bill would also make it unlawful for a person to read or attempt to read an identification document without the owner's knowledge.

"This represents significant progress for protecting the privacy, personal safety, and financial security of all Californians," said Simitian. "RFID technology is not in and of itself the issue. The issue is whether and under what circumstances the government should be allowed to impose this technology on its residents. This bill provides a thoughtful and rational policy framework for making those decisions."

"I'm particularly pleased that the measure passed out of the Senate on a bi-partisan basis," added Simitian, noting that a majority of both Democrats and Republicans voted in support of the measure.

RFID tag readers are readily available to the public, making it easy for anyone to collect an individual's most personal information. That information can then be used to steal a person's identity, stalk them, or even kidnap them. Last year, more than 39,000 Californians were victims of identity theft and these devices would make that crime even easier to commit. RFID tags embedded in identification cards and other official documents could allow the government to track its employees' movements.

"California legislators have always been on the forefront of passing important legislation to balance the potential benefits of emerging technology while safeguarding the privacy and security of Californians," said Nicole Ozer, Technology & Civil Liberties Policy Director, of the ACLU of Northern California. "The Senate's passage of this bill has sent a strong bi-partisan message that the privacy and security of Californians must be protected."

SB 682 has gained bi-partisan support. Former Congressman Bob Barr (R-Georgia) recently featured Senator Simitian on his weekly show on Radio America. Other supporters include the Capitol Resource Institute, the Free Congress Foundation, the AARP, The California Alliance Against Domestic Violence, the Statewide California Coalition for Battered Women, California NOW, and the California Commission on the Status of Women.

“People have a right not to be tracked. The government shouldn't be putting tracking devices into driver licenses and other ID cards that people need to go about their daily lives. This bill is so important because it represents a positive first step in managing a problem that will make all Californians safer,” added Lee Tien, Senior Staff Attorney at the Electronic Frontier Foundation.

“This bill will protect students, families and individuals who are required to carry government issued IDs. The public should not be put in a situation where their document enables them to be monitored and tracked by anyone who has the right technology,” said Beth Givens, founder and executive director of the Privacy Rights Clearinghouse.

The bill was in part inspired by a case of an elementary school in Sutter, California that required its students to wear identification badges that contained RFID tags that broadcast the student's name, photo, grade, school name, class year and the four-digit school ID number. Parents successfully petitioned the school to remove the RFID tags.

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