



16 February 2018

The Honorable Bill Montford
The Florida Senate
404 South Monroe Street, Room 410 Senate Office Building
Tallahassee, FL 32399-1100

Re: SB 1920 Exemption/Vessel Registrants

Dear Senator Montford:

We are writing to express some concerns regarding SB 1920, which creates a public record exemption for the email addresses of vessel registrants collected by the Department of Highway Safety and Motor Vehicles (DHSMV).

It is our position that this exemption creates questionable public policy and is an unwarranted infringement on our constitutional right of access, Senator Montford. Email addresses are routinely shared freely and openly, and, as a result, can be obtained from a variety of other publicly available sources. Therefore, email addresses cannot possibly fall into the category of personal sensitive information that would require creation of an exception to our constitutional right of access and do not merit protection as such.

Moreover, the constitutionally required statement of public necessity in SB 1920 states that the exemption is necessary because email addresses “are unique to the individual and, when combined *with other personal identifying information*” can be used for nefarious purposes, including identity theft and consumer scams. Email, rather than traditional postal mail, is increasingly used as a means for communicating and conducting business, including official state business—a fact acknowledged in SB 1920. With such a widespread use and availability of email addresses, there is no anecdotal evidence that email addresses are, in fact, a significant factor contributing to the crimes of identity theft or fraud. Additionally, there are state and federal laws already in place to protect the public from unwanted emails. With other protective laws in place, SB 1920 only serves to detract from our constitutional right of access to public records.

Furthermore, there are serious implications associated with passage of this bill. SB 1920 protects only those email addresses obtained by DHSMV. If passed, SB 1920 would create the proverbial slippery slope; provoking similarly unnecessary and unsubstantiated exemptions, affecting all government business conducted electronically, creating major problems with efficiency, and increasing costs associated with obtaining public

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records.

Therefore, we suggest that SB 1920 be amended to reflect its true purpose—the protection of personal sensitive information—or that it be withdrawn from further consideration.

Thank you for your attention to our concerns, Senator Montford. If you have any questions please don't hesitate to contact us.

Sincerely,



Barbara A. Petersen, President

Cc: The Honorable Joe Negron, President, The Florida Senate
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association