



## State Privacy and Security Coalition, Inc.

March 15, 2016

The Honorable Chris Christie  
Office of the Governor  
State of New Jersey  
P.O. Box 001  
Trenton, NJ 08625

**Re: Conditional Veto Request for S. 345/A. 156, Concerning Invasion of Privacy**

Dear Governor Christie:

The State Privacy & Security Coalition, which is comprised of 25 leading communications, technology, retail and media companies and 6 trade associations writes to urge you to veto S. 345/A.156 unless one provision is added to the bill.

We support the underlying goal of this legislation, to prevent the invasion of privacy known as “upskirting.” In its current form, however, the bill would expose Internet service providers to unwarranted legal claims. We respectfully request a clarification that the law would not apply to a provider of an interactive computer service where the content is provided by another person: **“Nothing in this Act shall be construed to impose liability on the provider of an interactive computer service, as defined in 47 U.S.C. 230(f)(2), or an information service or a telecommunications service, as defined in 47 U.S.C. 153, for content provided by another person.”**

The federal government has distinguished between information *service* providers and information *content* providers, see 47 U.S.C. §§ 230(f)(2) and (3), and recognized that companies that host content from hundreds of thousands or millions of third parties cannot reasonably be expected to police them – and therefore should not be liable for that third-party content, see 47 U.S.C. § 230(c).

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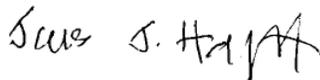
Our proposed language is important because without it plaintiff's lawyers or prosecutors might misunderstand that providers of interactive computer services, such as websites, mobile applications, and other communications software providers, could be held liable for end-user third-party postings merely because the provider's services were used to cause distribution or dissemination of content – even though the provider did not intend to distribute or disseminate that content.

Ultimately, a clarification will save victims and law enforcement unnecessary time, aggravation, and court costs, and will save service providers the unnecessary inconvenience of having to appear in a court simply to obtain a summary judgment dismissing any case against them on Section 230 grounds.

For this reason, we respectfully request that you veto S. 345/A. 156 unless amended.

Please feel free to contact me at the information below if you have any questions or would like to discuss the Coalition's concerns in greater detail. Thank you for your time and consideration.

Sincerely,



James J. Halpert  
General Counsel  
State Privacy & Security Coalition, Inc.

CompTIA  
Internet Coalition  
NetChoice  
TechNet