



EXHIBIT #5
DATE 1/8/09
HB 155

American Civil Liberties Union
of Montana
P.O. Box 1317
Helena, MT 59624
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January 8, 2009

Chairman Himmelberger, Members of the Committee:

For the record, my name is Scott Crichton. I have been privileged to serve as Executive Director of the American Civil Liberties Union of Montana since 1988. The ACLU is a non-partisan membership based organization with some 2,000 households in Montana counted among our membership. We are an affiliate of the national ACLU which has some 550,000 members. Simply put, ACLU's mission is to defend the Constitution and the Bill of Rights.

The ACLU supports Rep. Pomnichowski's HB 155 and hope you all will do so as well. This bill fundamentally is about privacy, something that we all really share as a basic Montana value. As far as data breach notification provisions goes, over 40 states have laws that require businesses and state agencies to notify residents if their personal information is breached. The existing Montana law enacted in 2005 currently only covers individuals and private businesses. This bill extends those protections to us all from state agencies.

It is curious that the United States which prides itself on our freedoms is one of only a handful of industrial democracies that lacks a government official or agency dedicated to the protection of its population's privacy. With today's complex, overly secretive governmental structures and ever expanding technology, it is often not possible for citizens and the media to serve as watchdogs over privacy rights to a sufficient degree.

The rest of the world has put such an emphasis on privacy commissioners because privacy rights are one of the crucial underpinnings of any democratic society. Expanding technologies and concerns over security frequently lead to government expansions into the private affairs of citizens. From databases that contain dossiers on private citizens to ID cards that track every day movements these concerns are real and growing.

While HB 155 does not go so far as to create an office of privacy or empower a privacy commissioner to serve as a watchdog, it does take an important step in creating new protections against state agencies abusing our social security numbers, and requiring notification of security breaches of state agency data systems.

It is fitting and appropriate that you consider this bill in your first day of hearings in House State Administration as it offers you an opportunity to demonstrate to the people of Montana your bi-partisan good intentions to protect everyone's constitutional right to privacy. I urge you to give this bill a "Do Pass" recommendation. Thank you.

