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December 17, 2015

The Honorable Mitch McConnell Majority Leader United States Senate Washington, DC 20510

The Honorable Charles Grassley Chairman Committee on the Judiciary United States Senate Washington, DC 20510 The Honorable Harry Reid Minority Leader United States Senate Washington, DC 20510

The Honorable Patrick Leahy Ranking Member Committee on the Judiciary United States Senate Washington, DC 20510

Re: The Judicial Redress Act of 2015 (S. 1600, H.R. 1428)

Dear Senators,

The Association of Corporate Counsel, its Information Governance; IT, Privacy and eCommerce; and Law Department Management Committees, as well as the 282 general counsel signing this letter urge the Senate to take action on the Judicial Redress Act of 2015 and send it to the Senate floor for voting.

The ACC is a global bar association of in-house counsel. We have more than 40,000 members representing over 10,000 organizations in more than 85 countries. Many of our members' employers avail themselves of the U.S.-E.U. Safe Harbor Program ("Safe Harbor") to legally transfer employee and customer personal data between the United States and Europe. As legal counsel to these companies, our members have been grappling with how to comply with European data privacy laws in the wake of the Oct. 6, 2015 invalidation of the Safe Harbor by the European Court of Justice ("ECJ").

The Judicial Redress Act provides citizens of selected foreign jurisdictions with limited remedies relating to their data when shared with the U.S. government, similar to the rights that U.S. citizens enjoy under the Privacy Act of 1974. The ECJ cited European citizens' inability to seek such remedies in the United States as a reason for invalidating the Safe Harbor. The Judicial Redress Act is a narrowly tailored effort to address that European concern and an important step to reaching a new Safe Harbor agreement to restore the efficient Safe Harbor mechanism for trans-Atlantic personal data exchange.

Without a Safe Harbor or similar program between the United States and the European Union, in-house lawyers will be faced with guiding their companies through complying with the various data privacy laws of each European country in which the company does business. This increases costs of compliance and leads to greater liability risk stemming from the handling of personal data from Europe. While larger companies may have the resources to demonstrate compliance with European data privacy laws through other mechanisms provided under the EU Data Protection Directive – model contract clauses or binding corporate rules – those mechanisms can be extremely impractical for certain businesses, and smaller companies with fewer resources may find them to be especially challenging. Further, the loss of the Safe Harbor affects companies across multiple industries, not just technology and Internet-based companies.

We recognize that the Judicial Redress Act is not a replacement for the Safe Harbor, but passing the law would signal to Europe that the United States is serious about addressing the issue of European citizens' data privacy and wants to continue having a framework to facilitate personal data transfers between our country and Europe. The Judicial Redress Act has bi-partisan support in the Congress, as well as the support of the Obama administration, the Department of Justice and federal law enforcement agencies. We strongly urge the Senate to act quickly and pass this important piece of legislation.

Sincerely,

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