

December 10, 2015

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


The Honorable Harry Reid
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
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  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 remedy for that failing and an important step to reaching a new Safe Harbor agreement to restore an efficient 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 model contract clauses or binding corporate rules, smaller companies with fewer resources may not find those to be practical solutions. 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 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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General Counsel Signatories