

**ORAL TESTIMONY OF MATT EHLING
BOARD MEMBER
MINNESOTA COALITION ON GOVERNMENT INFORMATION**

**HEARING ON H.F. 2553
MARCH 14, 2014**

Thank you for the opportunity to testify about this bill. Our group's primary focus is governmental transparency, and as such we will limit our comments to the reporting requirement section of this bill.

As advocates for public accountability, we strongly support the decision by Representative Lesch to include reporting requirements in this bill, and we support their use in some of the other bills that will be heard this morning.

Whether the subject is drone aircraft or cell phone tracking devices, these technologies are novel, and members of the public have raised some very pointed questions about the scope of their use.

These are questions will only grow with time, as these devices become smaller and cheaper. As costs come down, these devices will tend to proliferate, raising more questions about where and how to use them appropriately. In order for the public - and for this body - to make those determinations, it is necessary to have accurate information about the nature of their use.

This bill includes provisions that require the creation and submission of public reports about device use - including the number of times the devices were used, legal thresholds for use, and other matters.

This bill as amended would require law enforcement agencies to undertake such reporting, and to post final reports on their web sites. Some of the other bills here today would require similar reporting by the state court administrator, or by wireless companies.

Reporting on the use of surveillance techniques has a long history in the United States. For instance, the legislation that established the current federal wiretap procedures first required this kind of reporting in 1968. And to this day, federal agencies down to county attorney offices have to report annual details regarding their use of wiretaps. Many other state and federal surveillance laws - including in Minnesota - have followed this practice.

I'd note that at the federal level, several of the counter-terrorism authorities passed after 9/11 contain such reporting provisions. However, some of those requirements have lacked the level of specific detail set out in this bill. In those cases, the legal authorities that have lacked public reporting requirements have been the same authorities that later

attracted controversy - including Section 215 of the PATRIOT Act. This is the section that was relied upon as the legal basis for the NSA's mass call record collection program - a fact that was hidden from the public for many years.

We believe that Minnesotans should not be subject to surprises by government, and that is why we support the detailed public reporting requirements contained in this bill. We're not here to single out a sector of government. If a government entity is expending resources on behalf of the public - whether it's a sherrif's office, or MNSure, or MNDOT - we believe that the public deserves a window into its operations for the purposes of oversight.

In the context of this bill, reporting requirements will ensure that pertinent questions are being asked, and it will give law enforcement the opportunity to tell its story about the uses of these technologies.