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Sponsor Statement

HB 23: Computer Privacy

The State of Alaska has a long tradition of protecting citizens' privacy rights, and this bill would protect the privacy rights of Alaskan computer users by closing a loophole in existing law. Current law addresses what is commonly known as "hacking", that is surreptitiously accessing a computer or network, but does not address intercepting data as it is being entered. A keystroke logger is a device that is used to record keystrokes as they are being entered into a computer. Emerging technology can even record keystrokes remotely from up to 100 yards away. This bill would ban the installation or use of keystroke loggers or other devices that intercept data being entered on a computer without the consent of the computer's owner.

It should not matter whether information is stolen out of a computer, or as it is being typed into it. The victims' privacy is just as violated, and the law should recognize it.

Keystroke logger manufacturers specifically advertise that their products cannot be detected or disabled by anti-virus or anti-spyware software or firewalls, and the devices are designed so computer users would not notice them unless they carefully inspected their computers every time they use their computers.

While some specific information like social security numbers or credit card information are protected by federal or other law, it is often difficult to prove that someone used or stole such information. Under this bill, all that would need to be proved is that someone installed a keystroke logger or enabled the ability to log keystrokes wirelessly or by other nonwired means on a computer they had no right to access. Keystroke loggers can also be used by stalkers to monitor their victims.

This bill would not affect people using keystroke loggers on their own computers, parents monitoring their children's computer use, or law enforcement operating with a search warrant.