



## Electronic Privacy Advisory Committee

Monday, August 15, 2011 10:00 a.m.

General Assembly Building, 6th Floor, Speaker's Conference Room

- Overview of Privacy Issues

Staff presented an overview of privacy protections in the Commonwealth, focusing on the sources of various specific protections in both federal and state law. The presentation is available on the JCOTS website.

- Continued Discussion of HB 2032 (Unauthorized Use of Tracking Devices) & Review of Revised Draft

Staff briefly reviewed the procedural history of HB 2032 before the committee began their discussion about the proper standard that should be used in the newly drafted bill. The standard as drafted (“intentionally deceptive means”) does not otherwise exist within the Code of Virginia. When the bill was before the House Committee on Courts of Justice during the 2011 Session of the General Assembly, the House Committee members preferred a standard that was already used in the Code (“without consent”). After discussion about the two alternative choices, the Advisory Committee determined to include both standards in the language of the proposed bill on lines 8-10, making the new language “with intentionally deceptive means and without consent.”

The Advisory Committee will address potential exceptions to the bill -- such as exceptions for private investigators and fleet vehicles -- at the next meeting, which is scheduled to take place on Monday, November 21, 2011, at 1:00 PM.