

The EARN IT Act's Threat To Privacy

Eric Webb | Kansas State University

What is the purpose of the EARN IT Act?

- The purpose of the Eliminating Abusive and Rampant Neglect of Interactive Technologies Act of 2020 (EARN IT Act) is to enable the government to require online service providers to look through user's content for child pornography.
- The government aims to create a new system for finding and reporting child pornography, while punishing those who don't.

Passage of the EARN IT Act would allow the government to revoke liability protection from service providers, and selectively grant it based on who they deem follows their best practices. *Elrod v. Burns* declares this unconstitutional.

Expectation of Privacy:

- Do you exhibit an expectation of privacy?
- Would Society say that expectation is reasonable?
- If both of these conditions are true, and the government violates your privacy in any way without a warrant or probable cause, **the government has violated your fourth amendment rights!**
- *Katz v. United States* ruled that wiretapping violates fourth amendment rights because conversations can be seized.

EARN IT Act
legislation



Katz v. United States
Ruling



Electronic
Frontier
Foundation's
look at the bill



Rights Violated

If a user can sue an online service provider to have a post taken down, that effectively violates the other user's first amendment rights. This, combined with the privacy issues, violates both the first and fourth amendment rights of the service's users.

The EARN IT Act would allow the government to:

- Go through your private profile without your consent.
- Penalize online service providers for not following the government's best practice guidelines, forcing them to help the government surveillance.
- Revoke Section 230 of the Communications Decency Act's liability protection from online service providers, which would allow users to sue the company for something another user posts. This inhibits first amendment rights.