



April 16, 2018

The Honorable Nathan Deal
Governor of Georgia
203 Capitol PI SW
Atlanta, GA 30334

Dear Governor Deal:

We are writing to urge you to consider vetoing **Senate Bill 315: *Computer Crimes; create a new crime of unauthorized computer access; penalties; provide*** as passed during the 2018 legislative session of the Georgia General Assembly. While we appreciate the intent to address unauthorized computer access, we have some very serious concerns with one of the exemptions provided in the legislation which presents a significant public policy direction that is controversial across the technology community. Georgia codifying this concept in its criminal code is potentially a grave step that has some known and many unknown ramifications for technology companies, the tech community at large, and any company with a computer network.

Specifically, subsection (b.1)(2)(C) provides an exemption to unauthorized computer access by “[c]ybersecurity active defense measures that are designed to prevent or detect unauthorized computer access.” On its face, this provision broadly authorizes the hacking of other networks and systems under the undefined guise of cybersecurity. The concept encapsulated in this exemption is commonly called “hacking back” and is highly controversial within cybersecurity circles. Network operators should indeed have the right and permission to defend themselves from attack, but, before Georgia endorses “hack back” authority in “defense” or even anticipation of a potential attack with no statutory criteria, it should have a much more thorough understanding of the ramifications of such a policy. Provisions such as this could easily lead to abuse and be deployed for anticompetitive, not protective purposes.

At our core, cybersecurity is among the highest priorities of the undersigned companies, and we have significant expertise to offer. We are committed to working with the General Assembly and all interested stakeholders in developing a law on unauthorized computer access that protects all Georgians without authorizing in Georgia code the hacking of other networks and systems under the guise of an undefined concept of “cybersecurity active defense.” We believe that Senate Bill 315 will make Georgia a laboratory for offensive cybersecurity practices that may have unintended consequences and that have not been authorized in other jurisdictions. For these reasons, we respectfully ask that you veto Senate Bill 315.

Sincerely,

Ron Barnes
Head of State Legislative Affairs, Google

Ryan Harkins
Director of State Affairs & Public Policy, Microsoft Corp.

cc: Attorney General Chris Carr
Senator Bruce Thompson
Representative Christian Coomer
Representative Ed Setzler