

Memorandum

TO: UDIIA Drafting Committee
FROM: Vincent Cardi, Chair and Louise Nadeau, Vice Chair
DATE: February 27, 2017

We are looking forward to seeing you in Chicago for the first in-person meeting of the Drafting Committee for the Uniform Unauthorized Disclosure of Intimate Images Act. The meetings begin on Friday, March 3 at 9:00 AM in the Grand Salon North (11th floor) at the Gwen Hotel. Friday's meetings will end at 5:00 PM. Reservations for dinner on Friday have been made at Tavern on Rush for those who wish to join other committee members for dinner. Cocktails at a cash bar are scheduled for 6:30, with dinner in a separate dining room at 7:15. The restaurant provides a varied menu, individual checks, and we will be at tables seating 4 to 6. The restaurant is a walkable 14 blocks or a 4 minute cab ride from the hotel.

During the January telephone meeting, we discussed Stephen Chow's suggestion that we consider using the Uniform Trade Secrets Act as a template for UDIIA. As agreed to at the meeting, we met by telephone with Mary Anne Franks and Stephen earlier this month to discuss his suggestions in more detail. Mary Anne had considered his suggestion as she was formulating the first draft and saw some merit in using some of the ideas in that draft. The main difference between the UDIIA December draft and the Uniform Trade Secrets Act (UTSA) is that UDIIA (December) makes actionable the disclosure, or threat to disclose the protected information, but not the wrongful acquisition. The UTSA makes actionable the acquisition with reason to know it was improperly acquired, and the disclosure or use of such information. As a result of our discussion, Mary Anne has revised the first draft. It is attached as the "Revised February Draft", and it will serve as our starting point at the meeting.

We have attached some materials to this memo. These include:

1. Agenda for the meeting
February Draft of the Act, and a 1 page summary of the February Draft
2. ULC Executive Committee's Charge to the Committee
Updated Committee Roster
The December 29 Draft and a 1 page summary of the December Draft
3. Uniform Trade Secrets Acts (UTSA), 1 1/2 page summary of the Act and Stephen Chow's revised memo suggesting the UTSA as a model for our approach.
4. The California Civil Statute addressing unauthorized disclosure, portions of law review discussing non-criminal approaches to the problem.

To prepare for the meeting everyone should carefully review the text of the February Draft Act, which will be the focus of the meeting. If you have any questions or suggestions before the meeting, please feel free to call us, (Vince Cardi: 304-293-7144, cell 304-685-2559 or Louise Nadeau: 860-240-8410)