

# The Supreme Court may extend 4<sup>th</sup> Amendment protections to cell phone data

Key elements of the SCOTUS case *Carpenter v. U.S.* argued on November 28, 2017



The case was brought by the ACLU on behalf of Timothy Carpenter, who was arrested after a string of robberies in Michigan and Ohio.

## The defense:

The federal government is relying on precedents set by cases that predate recent technological advances. The argument from the U.S. attorneys will be that because Carpenter's location information was already in the custody of a third party – his cell phone provider – he had no legal expectation that such information would remain private.



Major tech companies (Apple, Microsoft, Google, Facebook and a number of others) filed a brief siding with Carpenter.



They argue that because the data transmitted by electronic devices “can reveal a wealth of detail about people’s personal lives ... users of digital technologies reasonably expect to retain significant privacy in that data.”

**The question:** Does the 4<sup>th</sup> Amendment cover access to cell phone data?

- The court will hear a case concerning whether investigators need to obtain a warrant to access cell tower data, which they use to track location and movements of cell phone users
- Timothy Carpenter was convicted for a series of armed robberies using evidence collected by cell phone location data that linked him to the scene of the crimes
- For decades the precedent has been that when you share information with a third party like a bank or phone company, you lose the expectation of privacy
- The Supreme Court may overturn that norm considering how integral cell phones have become to daily life

**The outcome:** a ruling is expected by the end of the Supreme Court's term, which is typically the last week in **June**.

Sources: Erin Fuchs, “Supreme Court may overturn decades of precedent in cell phone privacy case,” Yahoo Finance, November 28, 2017; Audrey Taylor, “Supreme Court hears case on tracking cellphones without a warrant,” ABC, November 29, 2017.