



## **Press Release**

FOR IMMEDIATE RELEASE

August 3, 2011

**CONTACT:**

Betsy Griffing, Legal Director, ACLU of Montana  
(406) 529-3106, [betsyg@aclumontana.org](mailto:betsyg@aclumontana.org)

Robyn Shepherd, National ACLU  
(212) 519-7829 or 2666; [media@aclu.org](mailto:media@aclu.org)

## **ACLU of Montana Seeks Details on Government Phone Tracking**

Letters are part of a coordinated ACLU campaign that is one of the largest information requests in American history

HELENA – The American Civil Liberties Union of Montana sent letters today to the state of Montana and to local law enforcement in six counties requesting information about if and how they are using cell phone data to track Montanans.

Letters were sent to the Montana Division of Criminal Investigation and to sheriffs in Cascade, Yellowstone, Missoula, Gallatin, Flathead and Butte-Silver Bow counties.

"We want to assure that privacy protections keep pace with technological advances," said ACLU of Montana Legal Director Betsy Griffing. "Relying upon the express right of privacy in the Montana Constitution, the Montana Supreme Court has ruled that cell phone communications are private and cannot be monitored without a warrant. We believe that right of privacy also protects location information law enforcement can get from every person's cell phone."

Law enforcement agencies are being asked for information including:

- Policies and procedures for obtaining cell phone location records;
- Statistics on how frequently law enforcement agencies obtain cell phone location data;
- The use of cell phone location records to identify users at a particular location or within "communities of interest," and
- Other policies and procedures related to mobile phone location data.

The ACLU of Montana's requests are part of a massive coordinated information-seeking campaign, in which 34 ACLU affiliates in 31 states today are sending similar requests to more than 370 law enforcement agencies large and small. The campaign is one of the largest coordinated information act requests in American history. The requests, being filed under the states' freedom of information laws, are an effort to strip away the secrecy that has surrounded law enforcement use of cell phone tracking capabilities.

"The ability to access cell phone location data is an incredibly powerful tool and its use is shrouded in secrecy. The public has a right to know how and under what circumstances their location information is being accessed by the government," said Catherine Crump, staff attorney for the ACLU Speech, Privacy and Technology Project. "A detailed history of someone's movements is extremely personal and is the kind of information the Constitution protects."

Law enforcement's use of cell phone location data has been widespread for years, although it has become increasingly controversial recently. Just last week, the general counsel of the National Security Agency suggested to members of Congress that the NSA might have the authority to collect the location information of American citizens inside the U.S. Also, this spring, researchers revealed that iPhones were collecting and storing location information in unknown files on the phone.

The U.S. Supreme Court has agreed to decide whether police need a warrant to place a GPS tracking device on a person's vehicle. While that case does not involve cell phones, it could influence the rules police have to follow for cell phone tracking.

Congress is considering the Geolocation Privacy and Surveillance Act, a bill supported by the ACLU that would require police to get a warrant to obtain personal location information. The bill would protect both historical and real-time location data, and would also require customers' consent for telecommunications companies to collect location data.

Today's requests are part of the ACLU's Demand Your dotRights Campaign, the organization's campaign to make sure that as technology advances, privacy rights are not left behind.

Requests filed in Montana are available at [www.aclumontana.org](http://www.aclumontana.org). More information about requests in other states can be found at [www.aclu.org/locationtracking](http://www.aclu.org/locationtracking)

###