

Cell Phone Tracking

A civil liberties briefing



A cell phone's geographical location can be tracked by phone companies whenever it is turned on. Cell phone information can provide real-time location information and monitor a person's movements. This technology can also provide information on where a person has travelled or collective information identifying any cell phones in a specific area at a specific time. Law enforcement personnel routinely obtain this information from telecommunications companies, often without a warrant.

Privacy Risks

- **Unwarranted intrusion:** In June 2013, The Guardian revealed that the National Security Agency (NSA) has been collecting phone records of millions of Verizon customers every day.¹ Collecting this data reveals who people talk to, for how long, how often, and possibly from where – allowing the government to paint an alarmingly detailed picture of Americans' private lives.
- **It is not just the NSA:** As a recent ACLU study² revealed, many law enforcement agencies around the country request and acquire our location data from telecommunications companies without a warrant. Cell phone carriers responded to 1.3 million demands for subscriber information in 2011.³
- **Piecemeal cell phone protections:** Currently, a patchwork of cell phone location tracking policies exist at the agency level – meaning that our privacy may be protected in some, but not all, areas of the state. This amendment would ensure that all Ohioans' cell location data is protected.
- **Cell phones say a lot about us:** Cell phone location tracking can reveal much about our daily activities, including what political meetings we attend; where we worship; what medical care, treatment, or counseling we receive; information about our friends, relatives, and significant others; and whether we frequent such places as gun shops or gay bars.

Many Police Departments Require Warrants in Non-Emergency Situations

The following cities obtain warrants for these types of investigations. Riverside County, CA; Arvada, CO; Boulder, CO; Colorado Springs, CO; Denver, CO; El Paso County, CO; Honolulu, HI; Wichita, KS; Lexington, KY; Charlotte-



Mecklenburg, NC; Lincoln, NE; Elizabeth, NJ; Evesham, NJ; Howell, NJ; Lakewood, NJ; Mount Laurel, NJ; Newark, NJ; Old Bridge, NJ; Parsippany, NJ; Paterson, NJ; Washington, NJ; Wayne, NJ; Las Vegas, NV; North Las Vegas, NV; and Wausau, WI.

Ohio Legislation

S.B. 5⁴, which is currently pending in the General Assembly, would increase privacy protections for Ohioans by:

- Reducing barriers to law enforcement accessing cell phone location information in emergency situations; and
- Requiring law enforcement obtain a warrant before accessing cell phone location information in **non-emergencies**.

The ACLU of Ohio supports this legislation, which works proactively to balance civil liberties and public safety.

1. Greenwald, G. (2013, June 5). NSA collecting phone records of millions of Verizon customers daily. *The Guardian*. Retrieved from <http://www.guardian.co.uk/world/2013/jun/06/nsa-phone-records-verizon-court-order>
2. American Civil Liberties Union. (2013). *Cell phone location tracking public records requests*. Retrieved from <http://www.aclu.org/protecting-civil-liberties-digital-age/cell-phone-location-tracking-public-records-request>
3. Lichtblau, E. (2012, July 8). *Wireless firms are flooded by requests to aid surveillance*. *The New York Times*. Retrieved from <http://www.nytimes.com/2012/07/09/us/cell-carriers-see-uptick-in-requests-to-aid-surveillance.html?pagewanted=1>
4. S.B. 5 [introduced February 12, 2013], http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_5

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