



INSTITUTE FOR JUSTICE

February 25, 2025

House Judiciary Committee  
Rhode Island General Assembly  
82 Smith Street, House Lounge  
Providence, Rhode Island 02903

Re: Letter in support of HB 5360

Dear Chair Craven, Vice Chairs McEntee and Knight, and Members of the Committee:

Thank you for the opportunity to submit this letter in support of HB 5360. My name is Alasdair Whitney, and I am Legislative Counsel at the Institute for Justice (IJ). IJ is a nonprofit public interest law firm that advocates for individuals' constitutional right to be secure from unreasonable searches and seizures.

IJ urges the Committee to support this bill, which would meaningfully restrict warrantless access to a person's private electronic data and ensure that government agents meet the same rigorous legal standards for accessing digital records as they do for searching a person's home or personal effects.

Sharing personal electronic data with a business should not mean giving up one's right to privacy. But most Rhode Islanders may be surprised to know that giving up this right is the cost of interfacing with the digital world. Indeed, for far too long, a major loophole in the Constitution known as the third-party doctrine has allowed government agents to access sensitive personal data without a warrant simply because it was shared with a third party, such as a telecommunications provider, cloud service, or mobile application. Vast amounts of sensitive personal data—emails, text messages, location history, search activity, and even health records—are unwittingly shared with and stored by third parties every day. This information can reveal intimate details about a person's life, habits, and beliefs. Under the existing third-party doctrine, law enforcement can access this data without a warrant, which leaves individuals vulnerable to government overreach and surveillance.

HB 5360 would restore the protections most individuals expect but currently lack against warrantless intrusions into their private electronic data. It would require government agents to get a warrant or the owner's consent before obtaining or using private electronic data. And it would grant law enforcement flexibility and discretion by allowing agents to access and use electronic data in exigent circumstances. This bill is tailor-made to both protect individuals' right to be secure from warrantless searches and seizures and allow law enforcement to continue their important work of keeping communities safe.

There is nothing radical about this bill. This bill would merely extend the same protections one has in their physical property to digital property. Individuals in this state deserve

to have their constitutional rights mean something in the modern age. We strongly encourage the Committee to support this bill.

Thank you for your time and thoughtful consideration of this issue.

Sincerely,

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