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## **ACLU OF RI POSITION: SUPPORT**

### **TESTIMONY IN SUPPORT OF 25-H 5360, RELATING TO CRIMINAL PROCEDURE – ELECTRONIC INFORMATION AND DATA PRIVACY ACT February 25, 2025**

This legislation would generally require police to obtain a search warrant in order to gather location and other identifying information of subscribers and customers from computer service providers, and it would prohibit the use of stingray devices by law enforcement unless they have submitted an application and been granted permission for its use by the presiding justice of the superior court, similar to what is in place for wiretapping by police. Rhode Island's laws have failed to keep up with the enormous privacy implications of the electronic-based society we live in, where enormous pieces of personal information about our lives reside, and this bill is an important step in reclaiming individual privacy.

Courts have already upheld the need for a warrant before searching the contents of a personal electronic device. This legislation would guarantee another critical step of privacy in limiting police access to other personal information that is stored electronically. The ability for law enforcement entities to view and search through such sensitive information should be restricted to cases in which probable cause has been established and a search warrant has been issued. This is a fundamental component of the right to privacy. The fact that the information is collected and maintained by a third party should not be a sufficient reason to strip it of privacy protection from prying eyes.

The necessity for judicial authorization of stingrays cannot be overstated. Stingrays mimic cell phone towers in order to gather information about nearby cellphones. Not only can they gather location and personally identifying information about a suspect, but they also pick up information about all innocent bystanders in the vicinity. The unregulated and cavalier use of these devices by law enforcement can infringe not only the Fourth Amendment rights of suspects, but the privacy rights of everybody else whose information is collected as a peripheral consequence of the investigation.

In short, powerful surveillance technology should be subjected to judicial oversight; police discretion for the use of devices that impact both due process and privacy must be restricted. We urge the committee to recognize the importance of codifying practices that will protect the privacy rights of Rhode Island residents from Big Brother intrusion, and to support this legislation. Thank you for your consideration.