



INSTITUTE FOR JUSTICE

April 24, 2025

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

Re: Letter in support of HB 5361

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 5361. 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 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 forfeiting your right to privacy. Yet, many Rhode Islanders may not realize that this is often the tradeoff for participating in the digital world. A long-standing loophole in constitutional law—known as the third-party doctrine—has allowed the government to access highly sensitive personal information without a warrant, simply because it was shared with a third party like a phone company, cloud provider, or app developer. Every day, people unknowingly hand over troves of data—emails, texts, location history, search records, even health information—that can paint a detailed picture of their private lives. Under the third-party doctrine, law enforcement can obtain all of this without ever seeking a judge's approval, leaving individuals exposed to unchecked surveillance and government overreach.

HB 5361 would close this gap in privacy protections. The bill would require law enforcement to obtain a warrant—or the data owner's consent—before accessing private electronic information. At the same time, it includes commonsense exceptions for emergency situations, giving law enforcement the ability to act quickly to protect public safety. In short, this bill strikes a smart balance: it strengthens the right to privacy in the digital age while preserving law enforcement's ability to do its job.

There is nothing radical about this bill. This bill would extend the 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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