



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 26-H 8119, RELATING TO– WARRANTLESS PURCHASES OF PERSONAL DATA – THE 4TH AMENDMENT IS NOT FOR SALE ACT March 24, 2026

The ACLU of Rhode Island supports this legislation which would prohibit warrantless purchases of personal data in connection with any criminal, civil, or other investigatory or enforcement activity.

Apps you use every day on your phone collect and sell sensitive data, including your location over time. That data could wind up in government hands without you even knowing it. This is already happening to millions of people across the country. When the government wants access to Americans' private information, the Fourth Amendment generally requires the government to go to court and obtain a warrant. However, federal agencies have been buying their way around this requirement, by purchasing citizens' sensitive information, like location information, from data brokers.¹ This information allows the government to track a user's location without a warrant or probable cause, or even suspicion that anyone in the dataset had done anything wrong.

In November of 2020, it was reported that the U.S. military purchased location data taken from apps aimed at Muslim users, including a dating app and a prayer app with over 98 million downloads.² When it comes to cell phone location information, court approval access must take the form of a warrant based on probable cause.³ The problem is that the law does not address situations where the government obtains the same data they were seeking without a court order because they purchased it from data brokers or other entities that do not have a direct relationship with consumers. That means that when apps on an individual's phone sell their data to data brokers, that information could wind up in the hands of the government without a court ever reviewing the decision, as long as the government is willing to pay.

This legislation is particularly timely. Just last week, FBI Director Kash Patel said in a Senate hearing that the FBI is buying information that can be used to track people's location history.⁴ The FBI is not alone in this practice. Other agencies, including the NSA, also purchase

¹ See, <https://www.vice.com/en/article/us-military-location-data-xmode-locate-x/>

² <https://www.vice.com/en/article/us-military-location-data-xmode-locate-x/>

³ <https://www.aclu.org/news/privacy-technology/supreme-courts-groundbreaking-privacy-victory-digital-age>

⁴ <https://www.politico.com/news/2026/03/18/fbi-buying-data-track-people-patel-00834080>

data which includes internet histories, which could indicate a person's associations, habits, and beliefs.⁵ In fact, the national ACLU recently released documents detailing how the Department of Homeland Security buys and accesses location data from users' cell phones.⁶

This legislation would close that loophole and prevent government agencies from unilaterally buying access to our private data and skirting the Constitution in the process. We therefore support its passage.

Thank you for considering our views.

⁵ <https://www.nytimes.com/2024/01/25/us/politics/nsa-internet-privacy-warrant.html>

⁶ See, <https://www.aclu.org/cases/aclu-v-department-homeland-security-commercial-location-data-foia#legal-documents>