

Reverse Location & Keyword Warrants

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MEMO IN SUPPORT OF A3306/S217

Tech:NYC is a nonprofit member-based organization representing over 800 technology companies in New York. Our membership includes hundreds of innovative startups as well as some of the largest tech companies in the world. We are committed to supporting New York's tech based economy and ensuring that all New Yorkers can benefit from innovation. Tech:NYC works with government and community partners to guarantee that New York remains the best place in the country to start and grow a technology company.

A "reverse keyword search warrant" is a search warrant that asks technology companies for search engine data for the purposes of identifying the suspect of a crime. "Reverse location warrants" (also known as "geofence warrants") are another data collection tool used by law enforcement to pinpoint individuals near the location of a crime or place of interest. While these warrants could provide law enforcement with key information about potential suspects, they also include the data of innocent individuals and have led to wrongful accusations. Furthermore, they can result in overly broad search criteria, producing long lists of citizens who have not consented to their personal information being shared with law enforcement. In 2022, a federal judge in Virginia [ruled that warrants for location data violate the fourth amendment](#), as warrants can result in law enforcement obtaining data for large numbers of private citizens. As smart phones and at-home internet service continue to become more accessible, the number of citizens that law enforcement can request data from will only expand. Additionally, the number of requests made to internet search, mobile app, and phone companies has increased dramatically. In fact, Google received 11,554 geofence warrant requests across the U.S. from law enforcement agencies in 2020 alone, up from 982 in 2018. And [in 2021, Google received a total of 49,000 search warrant](#) requests in the U.S., for location and other types of data.

Tech:NYC supports protecting the personal privacy of New Yorkers. We should be able to stay connected to technology and use our smart-phones and home computers without worrying that our personal information will be shared with law enforcement. Reverse location and keyword search warrants have the potential to relinquish overly broad information gathering authority to police departments. Furthermore, the data provided can be inaccurate or misleading, such as when an individual leaves their mobile phone at home for extended periods, or passes through a neighborhood during the time window requested by law enforcement. Finally, because of the lack of transparency relating to these warrants, their overall effectiveness is unknown. Tech:NYC supports the ban of reverse location and keyword search warrants in New York and encourages the New York State Legislature to pass, and Governor Hochul to sign the reverse location and reverse keyword search prohibition act, A3306/S217.