



Memorandum in Support – Prohibit the use of reverse location and reverse keyword searches

IN SUPPORT OF: A.3306 (Solages)/S.217 (Myrie)

SUBJECT: Prohibits the use of reverse location and reverse keyword searches.

Surveillance Resistance Lab writes in strong support of A.3306/S.217, to prohibit the use of reverse location and reverse keyword searches.

The Surveillance Resistance Lab is a think and act tank focused on state and corporate surveillance as one of the greatest threats to migrant justice, racial equity, economic justice, and democracy. We challenge how surveillance at the nexus of state and corporate power not only threatens privacy, but seriously erodes fundamental rights leading to heightened oppression and repression.

Reverse location and reverse keyword warrants take advantage of vast stores of archived data collected by companies through the basic functions of our modern technology tools that we rely on to move throughout the world (location data) and collect information online (keyword search data). Police access to how people are using these ubiquitous tools circumvent existing legal restrictions on when the state may investigate someone.

People should not have to choose between using new technologies and services or keeping their personal and digital lives out of the hands of police. The same constitutional protections that prevent police from rifling through our drawers without probable cause must also be given their full effect in protecting digital data that reveals who we are, where we go, who we know, and what we do. Law enforcement searches must be narrowly targeted, specific, and based on probable cause; reverse warrants are none of these.

Already, reverse warrants have led to multiple alarming incidents including false arrests, and they were used at First Amendment-protected protests against police brutality, ensnaring protesters in Minneapolis, Minnesota and Kenosha, Wisconsin. They are also rapidly spreading; recent disclosures by Google show a twelfold increase of reverse location requests from 2018 to 2020, totaling 20,932 requests.

A.3306/S.217 will modernize New York’s privacy laws by outlawing these types of dragnet searches.

Surveillance Resistance Lab urges the New York State Legislature to pass A.3306/S.217, so that New York’s privacy laws reflect our modern digital age.