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Police requesting Americans' cellphone data at staggering rate

By Matt Pearce | 7.9.12

Police are monitoring Americans' cellphone use at a staggering rate, according to new information released in a congressional inquiry.

In [letters](#) released by Rep. Edward J. Markey (D-Mass.), cellphone companies described seeing a huge uptick in requests from law enforcement agencies, with 1.3 million federal, state and local requests for phone records in 2011 alone.

“We cannot allow privacy protections to be swept aside with the sweeping nature of these information requests, especially for innocent consumers,” Markey said in a [statement](#) Monday. “Law enforcement agencies are looking for a needle, but what are they doing with the haystack? We need to know how law enforcement differentiates between records of innocent people, and those that are subjects of investigation, as well as how it handles, administers, and disposes of this information.”

The data obtained by law enforcement in some requests included location information, text messages and “cell tower dumps” that include any calls made through a tower for a certain period of time. The carriers say the information is given away in response to warrants or emergencies where someone is in “imminent” danger.

“There is no comprehensive reporting of these information requests anywhere,” Markey’s office said in a statement. “This is the first ever accounting of this.”

According to a May 29 letter, AT&T said it responds to roughly 230 emergency requests a day for kidnappings, missing persons and attempted suicides and similar incidents, with 100 full-time workers responding to requests 24 hours a day.

AT&T said it had responded to 131,400 criminal subpoenas in 2011, up from 63,100 in 2007.

Verizon Wireless, in a less detailed response, gave a similar figure to AT&T for criminal subpoena requests in 2011. Such subpoenas grant law enforcement access to records similar to those that appear on a phone bill.

T-Mobile said it would not release data on how many requests it receives but said “the number of requests has risen dramatically in the last decade with an annual increase of

approximately 12-16%.” The company also said it had received two inappropriate requests for information over the past three years and had referred the cases to the Federal Bureau of Investigation.

Sprint estimated it had received 500,000 subpoenas in 2011 -- the most of all the phone companies, although it is only the third-largest carrier -- but noted that the figure is not representative of how many people were getting caught up in police requests. “Each subpoena typically requested subscriber information on multiple subscribers,” the company said.

Sprint also asked that Congress clarify the law on the disclosure of location information, citing “contradictory” legal standards.

The growth of cellphone use, private computing and social-media use in recent years has greatly expanded the wealth of information available to law enforcement agencies in investigations, a development in which police investigative abilities have expanded faster than the public has been able to keep track of the extent to which it’s being watched.

Last week, Twitter made a similar announcement on its website regarding police surveillance requests, reporting that government requests for user data in the first six months of 2012 had already [surpassed the number of requests in all of 2011](#).

The phone carriers are governed by the Electronic Communications Privacy Act, which limits subpoena requests to basic subscriber information and requires warrants or court orders to grant access to access the content of text messages. Wiretaps require court orders with probable cause.

The new information released by Markey provoked a slightly surprised response from communications experts and privacy advocates.

“The numbers don’t lie: location tracking is out of control,” Chris Calabrese, legislative counsel for the ACLU, [noted](#) in an analysis of the new data.

Over at the libertarian Cato Institute, Julian Sanchez [spotted](#) a discrepancy between the number of wiretaps reported by Sprint over the past five years -- 52,029 -- and the numbers that the government itself has been keeping, which only total 24,270. That suggests either Sprint’s data is wrong or that the government isn’t counting or disclosing all of its wiretaps.

“The disconnect between the official figures and what’s suggested by Sprint’s response is profound,” Sanchez wrote. “Congress has a responsibility to keep probing until we understand why.”