



Data Broker Sales To Law Enforcement Violate Fourth Amendment, Senator Argues

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Senator Ron Wyden, D-Ore., reiterated his stance on the corporate sale of consumer data on Tuesday, where he argued that brokering American's data is a violation of Fourth Amendment rights.

Speaking at the Cato Institute in Washington, D.C., Wyden documented his efforts to prevent various entities, including government organizations and telecommunication companies, from brokering sensitive personal data. He also took the opportunity to resurface his proposed bill, the Fourth Amendment is Not for Sale Act, which he formally introduced in April 2021.

“In my view, it's essential to prevent data brokers from acting like so many termites and chewing through the framework of our fundamental rights,” he said during his speech.

Wyden traced the rampant sale of consumer data back to a loophole within the Electronic Communication Privacy Act of 1986. Originally designed to protect consumers' electronic communications, Wyden says a loophole allows companies with access to this consumer information to share select metadata to third parties.

He further referenced investigations that revealed large sales of private consumer data accessed by data broker companies to government agencies like the Internal Revenue Service and Customs and Border Protection.

“These practices amount to an outrageous privacy violation and a shameless end run

around the 4th Amendment,” Wyden said. “These agencies would need a court order to obtain location data from AT&T and Verizon, or from Google and Facebook, but they're exploiting the data broker loophole.”

His bill, which garnered sponsors on both sides of the aisle, including Sens. Rand Paul, R-Ky., Mike Lee, R-Utah, Elizabeth Warren, D-Mass., and Chuck Schumer, D-N.Y., would impart stronger restrictions on data sales, particularly between data brokers and public agencies. It notably targets data cultivated by Clearview's artificial intelligence technology, a contractor used by several law enforcement agencies.

Thanks to its facial recognition solutions and surveillance methods, Clearview has been one of the most controversial biometric enterprise technologies used by the government.

“If passed, this bill would be the strongest protection for Americans’ privacy in a century,” Wyden said of his bill.

The senator has underscored his devotion to limiting data broker transactions in public and private arenas, recently seen in his comments during committee hearings and in a letter sent to the Consumer Financial Protection Bureau that requested restrictions on credit unions selling customer data.

“The data broker industry is out of control, in part because of vague and undefined regulations,” Wyden wrote.