



## Issue: Privacy & Technology

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**Bill:** H.B. 57, Electronic Information or Data Privacy

**Sponsor:** Rep. Craig Hall (R-West Valley City)

### What it does:

Requires the government (i.e. law enforcement) to obtain a search warrant to access location information, messages, and any data stored or transmitted on or by a person's phone, laptop, tablet or similar electronic device. Establishes that a person who transmits data to a third party (e.g. cell phone provider, cloud-based server) maintains ownership of their data and is entitled to a reasonable expectation of privacy.

### Why it matters:

Last year's Supreme Court decision in *Carpenter v. U.S.* required the government to obtain a search warrant to access the location-based information generated by a cell phone's communication with cell towers and collected by cell phone providers. H.B. 57 would enshrine these same protections in Utah code, and extend it to all electronic information—not just location information—stored by third parties.

### Key Question:

Should law enforcement be allowed to access a person's electronic information stored by a third-party service provider like Verizon, DropBox, or GoogleDrive without obtaining a search warrant approved by a judge?

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**Fourth Amendment (1789):** "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

**Instructions:** As a group, spend the next five minutes crafting a pitch to lobby your expert to pass H.B. 57.