

Contact Tracing: US Supreme Court Already Has Ruled that Tracking People by Cellphone Is Unlawful

written by GEG | July 31, 2020



Contact Tracing uses cellphone GPS data to trace individuals and groups to a particular location, and your private data will be controlled by county officials. Counties are also considering using infrared technology to “look” inside private homes and buildings to determine the number of people who are gathered. However, the US Supreme Court previously has ruled that it is NOT lawful for the government to use such data to track individuals without a warrant. The Court also has ruled that a government entity must have a warrant to use infrared technology to look inside a private building. For government officers to use cell data or infrared technology to track people, they must have express permission from each person or a warrant for every individual. Otherwise, tracking will be an unlawful search and seizure. Attorney KrisAnne Hall wrote an open letter for citizens to share with county officials advising them of these rulings. She believes citizens would win civil-rights lawsuits based on these rulings. Dr. Pamela Popper is asking anyone whose cell phone has been used to contact trace them to reach out to her to participate in a lawsuit. -GEG

“...The use of cell phones by government entities to geo track people is not a new nor an unsettled issue. Although it may be legal for a hospital or university to purchase such data from a cell phone provider for research purposes, it is NOT lawful for the

government to use the data from data scientists to track individuals without a warrant - even though that data comes from a third party. In *Carpenter v. U.S.*, the Supreme Court held that a government entity MUST have a warrant to use cell data to geo track someone, even when that data comes from a third party.

Additionally, the Supreme Court held in *Kyllo v U.S.* that a government entity must have a warrant to use infrared technology to look inside a private building and to do so without a warrant is a violation of our rights to privacy.

For government officers to use cell data or infrared technology to track people, they must have either express permission from each person or a warrant for every single individual or that tracking will be an unlawful search and seizure. If our officials use this technology for contact tracing without warrants, regardless of where the data comes from, it will be tantamount to legal negligence. Given the recency of these Supreme Court cases it is highly likely that the counties would lose a civil rights challenge and the taxpayers will foot the bill."

Read Attorney KrisAnne Hall's full sample letter here:

<https://makeamericansfreeagain.com/wp-content/uploads/2020/07/Model-Open-Letter-Re-Contact-Tracing-and-The-Supreme-Court.pdf>