

April 21, 2021

**Re: The Fourth Amendment Is Not For Sale Act of 2021**

Dear Member of Congress,

The American Civil Liberties Union (ACLU), on behalf of its members, urges you to cosponsor the Fourth Amendment Is Not for Sale Act of 2021, recently introduced by Senator Ron Wyden and Chair Jerrold Nadler. The bill would amend federal privacy law, particularly the Electronic Communications Privacy Act (ECPA) to prevent government agencies from circumventing core constitutional protections. Most importantly, the bill would ensure that the government could not obtain data that it would otherwise need a warrant to get from companies with a direct relationship with consumers by purchasing it from data brokers.



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**Cosponsor The Fourth Amendment is Not For Sale Act of 2021.**

Earlier this year, news reports revealed that the federal government, including the Internal Revenue Service and the Department of Homeland Security, were purchasing sensitive location data about millions of people from a data broker named Venntel.<sup>1</sup> Venntel had likely obtained the location data from common applications (“apps”) on users’ cell phones, like weather apps or dating apps. The federal agencies that purchased the data, in turn, were using it to track people’s location without a warrant or probable cause to do so.

Current law prohibits email, social media and internet service providers from disclosing this sensitive data to law enforcement without a court order. But, currently, the Electronic Communications Privacy Act does not address situations in which law enforcement obtain the *same data without* a court order from data brokers and other entities that do not have a direct relationship with consumers.

The Fourth Amendment is Not For Sale Act will restore the promise of the Fourth Amendment in many circumstances. The

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<sup>1</sup> Joseph Cox, *CBP Refuses to Tell Congress How it is Tracking Americans Without a Warrant*, VICE (Oct. 23, 2020), <https://www.vice.com/en/article/n7vwex/cbp-dhs-venntel-location-data-no-warrant>; Byron Tau, *IRS Used Cell Phone Location Data to Try to Find Suspects*, WALLST. J. (Jun. 19, 2020), <https://www.wsj.com/articles/irs-used-cellphone-location-data-to-try-to-find-suspects-11592587815>

changes this bill would make are critical to protecting our privacy. For these reasons, the ACLU strongly urges you to cosponsor this bill and support its ultimate passage into law. Thank you for your consideration. If you have any questions, please contact Kate Ruane, [kruane@aclu.org](mailto:kruane@aclu.org), (202) 675.2336 with any questions.

Sincerely,



Ronald Newman  
National Political Director



Kate Ruane  
Senior Legislative Counsel