VLP Partner Michael Whitener Quoted in Bloomberg Law Article “SCOTUS Privacy Case May Be Consumer Litigation Windfall”

VLP Partner Michael Whitener was quoted in the *Bloomberg Law* article “SCOTUS Privacy Case May Be Consumer Litigation Windfall.”

The article reported on the U.S. Supreme Court case of *Carpenter v. United States,* which involves Timothy Ivory Carpenter, who is seeking to overturn his conviction for taking part in a string of armed robberies of Radio Shacks and T-Mobile US Inc. stores. At the trial, prosecutors used four months of data obtained from Carpenter's wireless carriers to show he was within a half-mile to two miles of the location of four of the robberies when they occurred.

The article noted that the argument before the Supreme Court focused on the application of the third-party doctrine, which holds that individuals do not have a reasonable expectation of privacy in information they voluntarily disclose to third parties, such as bank records given to financial institutions.
Under this doctrine, location data consumers transmit to their mobile service carriers is available to law enforcement without a warrant. The article also noted that a ruling requiring the government to obtain warrants to access geolocation data could have a significant impact on data privacy cases.

Mr. Whitener told *Bloomberg Law* that such a ruling would signal to civil and criminal courts that “digital data deserves greater privacy protections.”

He added that it would show “the law is evolving toward recognizing the right to privacy” in more contexts as technology evolves.

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