

Press Releases

Related Professionals

Brett J. Williamson
Nate Asher

Related Practices

Intellectual Property &
Technology

Related Industries

Technology

PDF



Bulk Data Warrants Served on Facebook Challenged as Unconstitutional

October 27, 2015

For Immediate Release: October 26, 2015

Contact: Erik Opsal, erik.opsal@nyu.edu, 646-292-8356

New York, NY – Facebook should be able to challenge bulk search warrants seeking information about its users, the Brennan Center for Justice argued in an amicus brief filed with the New York Court of Appeals. The brief supports Facebook’s attempt to protect user privacy from overbroad searches and was filed with the Electronic Frontier Foundation (EFF) and the law firm O’Melveny & Myers LLP.

The case, *In Re 381 Search Warrants Directed to Facebook Inc.*, involves 381 search warrants served on the social media company in 2013, directing it to turn over all information related to users as part of a disability fraud investigation. The warrants demanded all account information, including private photos, videos, and conversations. While 62 of the users were eventually prosecuted, the New York County District Attorney’s office retained the files on the remaining 319 users without notifying them of the search and seizure. Facebook challenged the warrants. Lower courts denied that Facebook has legal standing to protect its users privacy, which the company has appealed.

“If Facebook cannot challenge this data grab, then no one can,” said Michael Price, Counsel in the Liberty and National Security Program at the

Brennan Center. “The Court of Appeals should hear this case to prevent the state from stockpiling personal data indefinitely.”

In brief, the Brennan Center and EFF contend the lower court was wrong to dismiss Facebook’s case. They also note the court’s decision threatens New Yorkers’ privacy rights by preventing any future challenges to sweeping governmental searches and is based on a fundamental misunderstanding of the Fourth Amendment’s importance in the digital age.

The brief states, “If the First Department’s ruling stands, the government’s large-scale collection and retention of data of hundreds of New York citizens will be immune from challenge, regardless of the implications for one of the nation’s bedrock protections—the right to be secure in our ‘persons, houses, papers, and effects against unreasonable searches and seizures.’” This is particularly true, according to the brief, in a time where almost all private communications pass through digital intermediaries, like Facebook.

See more on the case [here](#). Read the brief [here](#).

###