

# The Privatization of the Fourth Amendment?

“This year may prove to be one in which the concepts of privacy vis-à-vis the government and private concerns may converge,” warns Dante A. Stella in Dykema’s *The Firewall*.

“In 2018, the United States Supreme Court ruled in *Carpenter v. United States*, 138 S. Ct. 2206 (2018), that individuals have an expectation of privacy in cell-tower locations, and consequently, the government must obtain a warrant to retrieve that location data from a carrier. The 5-4 decision held that cell tower data is subject to Fourth Amendment protections because it implicates an individual’s “legitimate expectation of privacy in the record of his physical movements.” The Court also noted that the data is “detailed, encyclopedic, and effortlessly compiled,” *id.* at 2216, and that functioning in modern society does not allow people to simply opt-out of using mobile devices...”

***Read the article.***