



The Data Broker Loophole is Being Exploited to Target Immigrant Communities

Purchased data circumvents sanctuary laws and contributes to the over-surveillance of the movements and behavior of immigrant communities.

ICE and the Department of Homeland Security are exploiting the Data Broker Loophole to buy access to massive databases of location information. ICE and CBP have purchased this data without the legally mandated internal protections and guardrails on the use of sensitive information and without any review of the privacy impacts. This is an intentional and transparent circumvention of local jurisdictions' and lawmakers' efforts to safeguard migrant communities, including sanctuary laws.

By purchasing consumer data, agencies like ICE and CBP sidesteps due process and privacy protections afforded to everyone in the United States. Immigrant communities are already over-policed and over-surveilled; use of purchased data by immigration enforcement exacerbates this dynamic.

Recent reporting has already revealed that ICE exploits the Data Broker Loophole on a massive scale.

The Data Broker Loophole Guts Protections Afforded by Sanctuary Laws

- Immigration enforcement agencies have purchased location data and access to data broker tools to track the booking of undocumented immigrants into jail, allowing ICE to detain immigrants when they are released from prison.
- Many cities are expressly prohibited from sharing this information with these agencies under sanctuary laws. Purchasing booking information intentionally undermines the ability of state and city governments to regulate the data sharing policies of their own law enforcement and protect the privacy of everyone in their jurisdiction.

Data Brokers Already Endanger Immigrant Communities

- Data broker location information tracks the movements of immigrants near and across the border, and information from utility companies can determine how many people are living in a residence. This creates an accessible history of an entire community's movements and relationships. ICE can purchase this information without a warrant, contributing to the government's over-surveillance and over-policing of immigrant communities.
- In immigration courts, detained migrants are not guaranteed counsel if they are granted a hearing. This makes defending themselves against evidence gathered in predatory data purchases even more difficult. As a result, if purchased data becomes evidence it can mean deportation and family separation.

ICE Use of Purchased Data is Prolific and Sweeps Up People Who Are Not Targets

- ICE purchased access to a database including 400 million profiles from more than 80 utility companies. They searched another database of personal information more than 1.2 million times in 7 months. ICE's use of purchased data is vast, and the data itself reveals movement, location, and behavior of migrants.
- When pursuing immigration violations, ICE acquires and searches information of millions of people who are not targets of immigration enforcement, including people data brokers may have misidentified. There is little regulation on the collection and purchase of consumer data, meaning individuals can do nothing to prevent the privacy violation or correct the information that is being sold.