



**Testimony of Don Bell, Policy Counsel
Project On Government Oversight
Before the Massachusetts State Legislature’s
Joint Committee on Advanced Information Technology, the Internet, and Cybersecurity
on H.86 and S.197, An Act to Protect Location Privacy
April 9, 2025**

Senator Moore, Representative Farley-Bouvier, and members of the committee, thank you for the opportunity to submit our testimony today in support of H.86 and S.197, An Act to Protect Location Privacy.

I am a policy counsel at the Project On Government Oversight (POGO). POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.

POGO has written extensively on the risks of location data being available for sale. Incredibly intimate details of an individual’s life can be revealed by applications on devices.¹ Location data can divulge connections, from your political beliefs, to who you have relationships with, to which organizations you are a member of. Location data can reveal whether a person is pregnant, whether a person or someone in their family has a medical condition, whether someone is LGBTQ+, and the state of one’s mental health.²

The Supreme Court has recognized the importance of protecting location data, yet data brokers are able to acquire commercially available information and sell it to law enforcement.³ This enables law enforcement entities to circumvent the Fourth Amendment, “a practice equivalent to giving a landlord a handful of cash to access someone’s apartment instead of getting a search warrant for it,” as POGO has previously written.⁴ The broad lack of transparency regarding the

¹ Don Bell, “We Built a Surveillance State. What Now?” Project On Government Oversight, August 20, 2024, <https://www.pogo.org/analysis/we-built-a-surveillance-state-what-now>; Don Bell, “Surveillance & Policing Bodily Autonomy,” Project On Government Oversight, November 4, 2024, <https://www.pogo.org/analysis/surveillance-policing-bodily-autonomy>; Don Bell, “Protest Under a Surveillance State Microscope,” Project On Government Oversight, November 4, 2024, <https://www.pogo.org/analysis/protest-under-a-surveillance-state-microscope>.

² Bell, “We Built a Surveillance State. What Now?” [see note 1].

³ Freddy Martinez, “Police Quietly Obtain Private Location Data with a Checkbook and not a Warrant,” Project On Government Oversight, October 11, 2022, <https://www.pogo.org/analysis/police-quietly-obtain-private-locationdata-with-a-checkbook-and-not-a-warrant>.

⁴ Jake Laperruque, “Geofence Warrants: The Last Piece of the Location Privacy Puzzle,” Project On Government Oversight, August 25, 2021, <https://www.pogo.org/analysis/geofence-warrants-the-last-piece-of-the-location-privacy-puzzle>.

collection and use of this information is of grave concern because the sale of this data poses a threat to civil and privacy rights.⁵

H.86/S.197, An Act to Protect Location Privacy, is a meaningful step forward in protecting these rights. The legislation makes it unlawful for a covered entity to collect or process an individual's location information except for a permissible purpose and requires discrete consent from the individual to collect data with a clear means to opt out. The bills also make it unlawful for a covered entity or service provider to disclose location information to a government agency or official without a valid warrant, with reasonable exceptions. These are meaningful steps that will protect location data from unaccountable and opaque private sector and government collection and use.

Although POGO takes no formal position on H.78 or S.45, which build upon other privacy legislation to provide data minimization rules, civil rights protections, and a prohibition on the sale of sensitive data, we broadly support robust and comprehensive privacy legislation that includes a ban on the sale of location data. In the absence of such legislation, we urge this committee to favorably report H.86/S.197, and for the legislature to pass it.

POGO appreciates your leadership in considering this legislation and is grateful for the opportunity to provide testimony on this important issue. We are prepared to continue working with stakeholders, and this joint committee, to support the goal of strengthening privacy rights.

⁵ Project On Government Oversight, Public Comment on Federal Acquisition of Commercially Available Information (December 16, 2024), <https://www.pogo.org/public-comments/federal-acquisition-of-commercially-available-information>.