Border officials can’t have ‘boundless’ access to search devices, court rules

While officials have broad powers to screen travelers at the border, they can’t search electronic devices without reasonable suspicion of wrongdoing, a court ruled today in a closely watched privacy case.

Plaintiffs filed suit in 2017
In 2017, a group of people whose devices were searched at the border, including a NASA engineer, filed suit against US Customs and Border Protection. They said officials had taken their devices and examined their personal data.

The plaintiffs, represented by the American Civil Liberties Union and the Electronic Frontier Foundation, argued that the searches were unconstitutionally invasive. Those searches have been widespread under the Trump administration, with border officials searching devices 15,000 times in the first half of 2017 alone.

The court said in its ruling today that government interests are “paramount” at the border, but that “even border searches are not boundless.” Electronic searches of gadgets still must meet the reasonable suspicion standard – otherwise, they violate the privacy interests of travelers. (The plaintiffs had asked for the court to find that a warrant was required.)

The ACLU hailed the decision as a major win for privacy protections.

“This ruling significantly advances Fourth Amendment

protections for the millions of international travelers who enter the United States every year," ACLU staff attorney Esha Bhandari said in a statement. "By putting an end to the government's ability to conduct suspicionless fishing expeditions, the court reaffirms that the border is not a lawless place and that we don't lose our privacy rights when we travel."

https://www.theverge.com/2019/11/12/20961727/border-officials-court-ruling-aclu-laptop-phone-searches