



IP35

CELLPHONE INFORMATION REQUESTS

IP35

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POLICY

1. In an emergency situation or in support of an investigation, information about a cellular telephone subscriber or a cellular device may be sought from a telecommunication services provider.
2. Information may be sought from a telecommunications services provider either through a request for voluntary disclosure or compelled by warrant.

REASON FOR POLICY

3. To ensure that:
 - a) necessary information is obtained in a timely manner;
 - b) requests do not jeopardize service providers’ discretionary willingness to voluntarily and quickly provide information; and
 - c) the request process employed does not compromise the evidentiary potential of the information obtained.

RELATED POLICIES

- IP10 – Warrantless Search & Seizure
- IP11 – Warrants Search & Seizure



IP34 – Digital Images, Video & Audio Recordings
IP40 – Property & Exhibits

PROCEDURES

Cell Phone Services Providers Discretion to Provide Location Information

4. Telecommunication services providers are subject to federal privacy legislation that allows them to disclose information to law enforcement agencies, but does not require them to do so.
5. Service providers may disclose information about a cellular telephone and/or its registered subscriber, in support of police engaging in the enforcement of any law, carrying out a related investigation or gathering intelligence for a related purpose.
6. When presented with a legitimate and compelling request by a law enforcement agency, service providers may disclose cell phone subscriber identity, cell phone location, call history and other personal information specific to a subscriber.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]



█ [REDACTED]

Warrant Consideration

- 10. Members must give careful consideration to whether their investigation and/or the nature of the information being sought requires information to be obtained under authority of a search warrant or tracking warrant, and, if so, whether exigent circumstances exist allowing the information to be obtained pursuant to *Criminal Code* Section 487.11 without a warrant.

Service Provider Requested Follow-up Information

- 11. In the course of conducting a follow-up audit of the legitimacy of a police agency's requests, a service provider may require additional call specific incident details. Such requests from service providers are to be forwarded to the Freedom of Information and Disclosure Supervisor for assessment as to what additional information can be disclosed under the *Freedom of Information and Protection of Privacy Act*.

*Revised Dates:
N/A