

The Worst Court Decision on Personal Privacy Ever Has Been Handed Down by Minnesota Court

March 20, 2017 - What would the police see if they could get a search warrant for your internet search history? And what is the probability that they could get that warrant in the first place? If you're not a crook, pedophile or hacker, you may think that the odds of having to worry about a police review of your search history is pretty slim. But if you simply live in the town of Medina, MN and used Google sometime between the beginning of last December and January 7th of this year, at least one judge believes that the police have good reason to go rifling around through your internet activities.

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(function() {
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s.type = 'text/javascript';
s.src = 'http://widgets.digg.com/buttons.js';
s1.parentNode.insertBefore(s, s1);
})();
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po.src = 'https://apis.google.com/js/plusone.js';
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);
})();
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The case reviewed by the court involves a fraudulent transaction. The culprit in the case presented false identification in the name of one Douglas Junker to a bank in Medina and secured a wire transfer for \$28,500. The false identification used was a picture of a passport in Junker's name.

After a brief investigation, the police in town were at a dead end until one of the investigators came up with an idea. He applied for a search warrant to look at Google's internet search history data for anyone living in Medina that may have conducted a search for Douglas Junker; or any other variation of Junker's name. To understand how overly broad this request is, you need to understand the number of people involved.

Medina, MN is a city of about 50,000 people. Using a very rough extrapolation for those too young to be using internet search, and those not technically inclined, we still figure that about 40,000 of the people living there are online from time to time in any given month. And if you figure that Google has 65% of the global search engine marketplace, that leaves you with 26,000 people from Medina that use Google on a regular basis. How does a court come to the conclusion that there is probable cause to issue a search warrant to look through the search histories of that many people for a single case? But that's exactly what the court concluded.

County Judge Gary Larson issued the search warrant last month. The warrant requires Google to go combing through search histories of any residents of Medina. If they find Junker's name included in those search histories, they are to turn over the account information, IP address, Social Security number, etcâ€¦ to the police. Why Google would have the SSN's of people conducting searches isn't explained but SSN's are specifically mentioned in the warrant.

Thankfully, Google is fighting the warrant and most privacy advocates agree that it won't survive scrutiny from higher

courts. That said, the fact that any judge would have agreed to issue a warrant this broad is somewhat frightening.

We actually think that the judge and the police are barking up the wrong tree. As previously mentioned, the bank issued the wire transfer using a picture of Junker's passport. A picture! Let that sink in. Since when are pictures or scans of anyone's ID an acceptable form of identification? What do you think the police would say if you were pulled over for a traffic violation and handed them a picture of your driver's license? We'll leave it at that.

byJim Malmberg

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