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Office of the General Counsel
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

September 25, 2020

TO: Dena Kozanas
Chief Privacy Officer

FROM: Chad R. Mizelle (b)(6) on behalf of Chad Mizelle
Senior Official Performing the Duties of the General Counsel
September 25, 2020

SUBJECT: Legal Implications of Advertising Identifier Geolocation Data Use by CBP and ICE

I. EXECUTIVE SUMMARY

This memorandum analyzes use by U.S. Customs and Border Protection (“CBP”) and U.S. Immigration and Customs Enforcement (“ICE”) of commercially available geolocation data associated with the advertising identifier (“AdID”) present on many modern mobile electronic devices. It assesses the potential legal issues associated with using AdID data as a law enforcement tool. Specifically, it reviews potential challenges under the Fourth Amendment and the Privacy Act of 1974, and it identifies some proactive measures the Department of Homeland Security (“DHS”) may implement to mitigate certain legal risks.

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