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Cut off from the Source: ICE no longer has access to 171 million People’s Utility Information following Pressure Campaign led by Leading Immigrant Rights Organizations

December 8, 2021 - Following a sustained period of persistent pressure led by the NoTechForICE campaign, ICE no longer has access to over 171 million people’s utility information. This positive development limits ICE’s ability to collect personal information on people in the United States. However, we need a guarantee that data brokers like LexisNexis and Thomson Reuters do not collect or use utility data in any of their products or services and erase all previously collected utility data. Finally, because this practice is so damaging to the privacy of everyone in the United States, we call on the Consumer Financial Protection Bureau (CFPB) to investigate data brokers for using this utility data, originally shared by consumers to access essential services, for the purpose of arrests and deportations.

“For years, this secretive utilities data exchange has been selling your name and home address to immigration enforcement. Cutting off this data pipeline from the source is a major development as part of our campaign to put an end to ICE’s use of tech surveillance to harm immigrants. Now we need a guarantee that data brokers will not use utility data in any of the products or services, that they will erase all past data as well as stop collecting utility data in the future.” said Jacinta Gonzalez, senior campaign Director at Mijente.

For years large utility companies like AT&T, Verizon, electric and gas companies (see partial list here) have shared the addresses and personal information of their customers with ICE through a centralized database run by the National Consumer Telecom & Utility Exchange (NCTUE), a consumer credit bureau that collects data from various utility companies, including phone, utility, and cable records. The NCTUE database is managed by Equifax, one of the largest data brokers. As revealed in a Washington Post article and other advocates this pooled utility information was then sold by Equifax to Thomson Reuters CLEAR - the database that ICE and law enforcement use to compile personal information on individuals.

“Exploitation of commercial and public data sources is an abuse of power and civil rights. Families and communities never expected that their personal information collected during simple and necessary tasks like paying water or internet bills could end up in the hands of ICE. This is an important step forward, but more is needed to ensure that this information is not repurposed for detention, deportation and criminalization. Specifically, because this practice is so damaging to the privacy of everyone in the United States, we are calling on the Consumer
Financial Protection Bureau (CFPB) to investigate the collection and use of data by data brokers for arrests and deportations.” said Paromita Shah, Executive Director of Just Futures Law.

Since October, Equifax has not provided NCTUE-sourced data for law enforcement purposes. This was confirmed when Thomson Reuters announced recently they would no longer be able to provide customers, including ICE, with access to people’s utility information. This is because the information Equifax was getting from utility companies is no longer being shared. They also stated that it was actively searching for another way to access data from utility companies.

ICE’s mission is to deport millions of people and with 20,000 agents they can only fulfill this ambition with substantial support from data brokers, such as Equifax and Thomson Reuters.

We know that ICE and CBP routinely uses databroker utility data as searches into people they’re investigating. For example, in Washington State agents targeted immigrants such as Maru Mora-Villapanda for her organizing, they also illegally sought “extensive” personal information, including purchasing information from data brokers about her. We filed a lawsuit to investigate how ICE purchases and uses databroker data to target immigrants.

Since 2002, Equifax has managed the telecom and utilities database, adding an estimated $20 million to its annual revenue as a result.

Congress and the Executive Branch should take action to cut off ICE and law enforcement use of data brokers. The Fourth Amendment Not For Sale Act, led by Senator Wyden, addresses some ways that law enforcement bypass civil rights protections. However, given the widespread use of data brokers by ICE and law enforcement, more robust action is needed.

We have been leading the No Tech For ICE campaign for three years now. This federal campaign win closely follows a national week of action where over twenty-five law schools protested the contracts other large data brokers, LexisNexis and Westlaw, have with ICE.

The pressure goes beyond law school students. The Library at the Lake Washington Institute of Technology canceled their contract with LexisNexis because of the corporation’s contracts with ICE. To our knowledge, this is the first library in the country to do this.

Earlier this year we published a seminal report The Data Broker to Deportation Immigration Pipeline: How ThomsonReuters & LexisNexis Share Utility and Commercial Data with ICE“. In 2019, we worked with over 500 legal scholars & librarians calling on LexisNexis & Thomson Reuters to stop helping ICE deport people. We argued that universities & immigration lawyers should not fund data brokers who ultimately endanger future clients.

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Mijente is a national organizing hub and political home for Latinx and Chicanx people that's pro-Black, pro-indigenous, pro-worker, pro-woman, pro-lesbian, gay, bi, trans, and queer, and
pro-migrant. It leads the #NoTechForICE campaign, organizing against the surveillance machinery supplied by Silicon Valley for immigration and border policing.

*Just Futures Law* is a transformative legal organization that defends and builds the power of immigrants’ rights and criminal justice activists, organizers, and base-building community groups working to disrupt and dismantle our deportation and mass incarceration systems.