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News / Science

# Murder case will test privacy rights of Amazon Echo users



The Bentonville Police Department in Arkansas has issued a warrant to Amazon requesting data an Amazon Echo seized from a home in connection with a homicide investigation.

By **Gary Robbins** - Contact Reporter

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Consumers who use voice-activated, always-on digital assistants such as Amazon Echo and Google Home could soon learn whether outsiders — notably attorneys, police and the courts — can gain access to the audio that’s recorded on the increasingly popular devices.

Prosecutors in Benton County, Arkansas are pressuring Amazon to turn over electronic data that was recorded on one of its Echo smart speakers in November 2015. Authorities are hoping the recordings will reveal what led to the death of Victor Collins, who was found dead in a hot tub owned by one of his co-workers, James Bates.

Bates has been charged in Collins’ death.

So far, Amazon has refused to give prosecutors the data, saying that it is protecting the privacy of a client.

The privacy case is reminiscent of the unsuccessful attempt that FBI made last year to force Apple to unlock an iPhone that had been used by one of the assailants in the mass shooting in San Bernardino in December 2015. The FBI later hired professional hackers to unlock the phone.



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The Union-Tribune asked **James Goodnow**, a tech attorney at Fenemore Craig, P.C. in Phoenix, to put the latest privacy battle into perspective. Goodnow said:

“This case may indeed be illustrative of what these type of voice-enabled home assistants are recording — and perhaps foreshadowing another legal battle over requests for technology-based evidence versus a consumer’s expectation of privacy — very reminiscent of Apple vs. FBI.

“Up to this point, it’s been unclear what these devices are actually recording. What we do know is that devices like Echo are always listening. Once the device hears the ‘wake word,’ it then records your voice and transfers it to a processor for analysis, so that it can accurately fulfill your requests. The Alexa app will also say your last query to make sure that it got it right. It’s thus always listening, and the recordings are streamed and presumably stored remotely with a digital trail much like if you were typing an email.

“Technology — and the Internet of Things (IoT) — is obviously moving faster than the law where everyday objects are now sending and receiving data. We will see how this case proceeds and whether a subpoena will produce the requested data.

“And while consumers should expect privacy from these type of devices, if you have concerns, you should probably also know that retrievable data probably exists.”

Goodnow noted in an earlier email to the Union-Tribune: “We’ve seen a lot of concern in past years about what Google collects and what they do with it, and Apple is also reportedly jumping into the niche soon with a similar device.

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The Echo and Home work best when they know everything about you and they get that info by you (the user) allowing them access to it. Google especially will take everything that you feed to Google to allow Home to be as efficient and knowledgeable as possible. The Echo works the same way. For it to be good, you have to feed it a lot of data.

“And that data, whether you’re using the Home or the Echo, is sent to a cloud-based server somewhere for analysis. Is it stored there? No one knows, but some of it must be for the Echo and Home to maintain and learn your habits to be as useful as possible.”

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