

HOW DATA BROKERS HARM IMMIGRANTS



SUMMARY

Data brokers are companies that collect, aggregate, and sell personal information such as names, addresses, social security numbers, and purchase history, often without the knowledge or consent of the individuals involved.

This data could be used to target immigrants for deportation, marketing for predatory products, or criminalization.

DISCRIMINATION & DUE PROCESS VIOLATIONS

Discrimination and Exploitation: Data brokers compile and sell sensitive information such as immigration status and employment history. These profiles can be used by employers, landlords, and financial institutions to discriminate against immigrants, denying them jobs, housing, or credit.

- Landlords may engage in discriminatory practices toward immigrants like charging higher rents or requiring co-signers based solely on the tenant's immigration status.
- Most financial institutions consider immigration status when evaluating a credit application, and some have maintained blanket policies denying credit to individuals based on immigration status.

Circumvention of Due Process: Immigration enforcement agencies, particularly Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), purchase extensive personal data on immigrant communities from data brokers.

- ICE purchases location data and access to tools that track jail bookings of undocumented immigrants. This practice allows federal agencies to detain immigrants upon release from local custody, despite local prohibitions on information sharing.
- Utility company data may be used to determine household occupancy, creating detailed histories of community movements and relationships.

NEW DATA BROKER RULES WILL REDUCE THREATS

New rules being considered by the Consumer Financial Protection Bureau would clarify that data brokers are covered by the Fair Credit Reporting Act, meaning that data brokers can only collect consumer information for a limited number of permissible purposes. The rules would also clarify that data brokers can only share data they collect with third parties for permissible purposes.

Minimizing the data that brokers amass and sell in the first place is a powerful safeguard for immigrants: you don't have to protect what you don't collect.

Interested parties should submit comments on the proposed rules when the CFPB releases the Notice of Proposed Rulemaking.

FOR MORE INFORMATION: <https://epic.org/cfpb-fair-credit-reporting-act-rulemaking/>

WORKS CITED

1. Fighting Back Data Brokers, Just Futures Law, <https://www.justfutureslaw.org/fighting-data-brokers> (last visited Aug. 15, 2024).
2. A Place to Call Home: Housing Challenges Among Immigrant Families, National Council on Family Relations (Jun. 24, 2020), <https://www.ncfr.org/ncfr-report/summer-2020/place-call-home-housing-challenges-among-immigrant-families>.
3. Sonia Lin, Protecting immigrant access to fair credit opportunities, Consumer Financial Protection Bureau (Oct. 12, 2023), <https://www.consumerfinance.gov/about-us/blog/protecting-immigrant-access-to-fair-credit-opportunities/>.
4. The Data Broker Loophole is Being Exploited to Target Immigrant Communities, National Association of Criminal Defense Lawyers (May 22, 2024), <https://www.nacdl.org/getattachment/567b4c71-b702-47d7-a59c-1e42f39b065a/immigration-and-data-purchases.pdf>.