

Cell Phone Tracking vs. ALPR Camera Tracking: What's the Difference?

One of the most common comments is: "Your cellphone already tracks you, so what's the difference?" It is a fair question, but the answer is more nuanced than many people realize.

Yes, Cell Phones Can Track Your Location

Modern cell phones routinely generate location information. Wireless carriers maintain records necessary to provide service, and many smartphone apps collect location data for navigation, weather, social media, shopping, advertising, and other services. Depending on privacy settings, some apps may collect location data while actively in use or in the background.

Users often have meaningful privacy choices, including allowing location only while using an app, denying location access, disabling location services, or uninstalling an application.

The Fourth Amendment and Cell Phone Data

In *Carpenter v. United States*, 585 U.S. 296 (2018), the U.S. Supreme Court held that the government's acquisition of historical Cell Site Location Information (CSLI) is generally a Fourth Amendment search requiring a warrant. The Court recognized that detailed historical location information can reveal 'the privacies of life' and rejected the broad argument that constitutional protection disappears simply because the records are held by a third party.

'I Already Gave My Information to Google'

It is true that many private companies collect location information. However, *Carpenter* explains that the existence of third-party records does not automatically eliminate Fourth Amendment protections. Historical CSLI is generated automatically as a necessary part of carrying and using a modern cellphone.

Recent Supreme Court Developments

In *Chatree v. United States*, 609 U.S. ____ (2026), the Supreme Court held that law enforcement's acquisition of Google's Location History data through a geofence warrant constituted a Fourth Amendment search. The Court vacated the judgment and remanded for the lower court to decide whether the warrant satisfied the Fourth Amendment's probable-cause and particularity requirements.

How ALPR Systems Differ

ALPR systems photograph vehicles traveling on public roadways and typically record the license plate number, date and time, GPS location, camera identifier, and an image of the vehicle. Unlike smartphone applications, drivers generally do not have the opportunity to opt in or opt out when passing a publicly deployed ALPR camera.

Government Access vs. Government Collection

Cellphone location information is generally created by private companies while providing communications or application services. Constitutional questions arise when government seeks access to those private records. An ALPR system, by contrast, is typically operated directly by or on behalf of a governmental agency, creating and maintaining its own database of vehicle observations.

Arkansas Law

Arkansas's Automatic License Plate Reader System Act is codified at Arkansas Code Annotated §§ 12-12-1801 through 12-12-1808. Act 668 of 2025 amended that existing statutory framework, including provisions governing private use. The statutes address authorized uses, retention, sharing, reporting, and other requirements for ALPR information.

Why This Matters

Technology itself is not the constitutional issue. Smartphones, navigation apps, toll systems, security cameras, and ALPR systems all generate location-related information in different ways. The constitutional question is when and under what legal standards government may collect, retain, search, and use historical location information. That balance between public safety and individual liberty is precisely what the Fourth Amendment—and Arkansas's ALPR statutes—seek to address.

Primary Legal Authorities

- U.S. Constitution, Amendment IV.
- *Carpenter v. United States*, 585 U.S. 296 (2018).
- *Chatrie v. United States*, 609 U.S. ____ (2026) (decided June 29, 2026).
- Arkansas Code Annotated §§ 12-12-1801 through 12-12-1808; Act 668 of 2025.