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**Watch: Government Spyware on Your Phone? Unfortunately, There's an App for That**

*Robert Wright, et al. v. Governor Maura Healey and Massachusetts Department of Public Health Commissioner Robert Goldstein, in Their Official Capacities*



Photo: NCLA client Robert Wright

**Washington, DC (July 9, 2023)** – The New Civil Liberties Alliance is challenging the Massachusetts Department of Public Health (DPH) in federal court for coordinating with Google to automatically install spyware on the smartphones of more than one million Commonwealth residents, without their knowledge or consent, in a misguided effort to combat Covid-19. A newly-released [video](#) details how DPH's actions have violated fundamental Constitutional rights.

Thousands of people do not know DPH's Covid-19 tracking app is on their phone, as it does not appear on their home screens like other apps. NCLA client Robert Wright, who commutes to Massachusetts for work, was appalled to learn that the government put an app on his phone without his knowledge, especially one that could constantly track his movements. NCLA's lawsuit argues the DPH app's automatic installation infringes on the Fourth Amendment right to privacy because it interferes with phone owners' private property and collects information about them. By taking up storage space on phones against their owners' will, such unwanted installations also constitute uncompensated taking of property in violation of the Fifth Amendment.

Civilians' phones are definitely their property, and the U.S. District Court for the District of Massachusetts should require DPH to remove the app from more than one million phones where it has already been installed and delete data it has collected through the app.

**Excerpts from the video:**

“We don't know what they're doing with this information right now, and that's partly why we filed a lawsuit.”  
— **Sheng Li, Litigation Counsel, NCLA**

“I hope that we succeed, and this sets a precedent, and that, in the future, no government even considers tracking Americans' movements 24/7 without their knowledge or consent.”

— Robert Wright, Plaintiff, *Wright, et al. v. Maura Healy and Robert Goldstein*

For more information visit the case page [here](#).

## ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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