

# Workplace Privacy Data Management & Security Report

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## Missouri Constitutional Amendment Protects Electronic Privacy

By Jason C. Gavejian on August 8, 2014

On August 5, 2014, Missouri voters approved Amendment 9 to the Missouri Constitution making Missouri the first state in the nation to offer explicit constitutional protection to electronic communications and data from unreasonable searches and seizures.

The official ballot title asked: “Shall the Missouri Constitution be amended so that the people shall be secure in their electronic communications and data from unreasonable searches and seizures as they are now likewise secure in their persons, homes, papers and effects?”

The fair ballot language specified: “A ‘yes’ vote will amend the Missouri Constitution to specify that electronic data and communications have the same protections from unreasonable searches and seizures as persons, papers, homes, and effects. A ‘no’ vote will not amend the Missouri Constitution regarding protections for electronic communications and data.”

The measure, which was approved by nearly 75% of voters amended Section 15 of Article I of the Missouri Constitution to read:

That the people shall be secure in their persons, papers, homes, effects, and electronic communications and data, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, or access electronic data or communication, shall issue without describing the place to be searched, or the person or thing to be seized, or the data or communications to be accessed, as nearly as may be; nor without probable cause, supported by written oath or affirmation.



Missouri's vote comes on the heels of the June 2014 U.S. Supreme Court's ruling, as covered by CNN, that law enforcement must obtain a warrant to search cell phones seized during arrest.

Given the ruling of the Court, and this first measure by Missouri, it is anticipated that other similar constitutional protections will be extended to electronic communications and data. Importantly, entities which operate as government contractors and/or entities which may be considered state actors due to their funding, should be aware of these developments to determine what if any potential impact exists for their business.

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