

Proposed Bill Would Block Law Enforcement From Accessing Your DNA Test Kit Info

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Information from popular at-home DNA test kits are increasingly being used by police to identify suspects as part of an emerging trend in criminal investigations.

In 2018, police identified the infamous Golden State Killer in California by running crime scene evidence through a public DNA database called GEDmatch. Investigators identified distant relatives of the suspect and eventually traced the family tree to Joseph DeAngelo, who was arrested in April 2018. Similar methods helped [solve two crimes in Utah](#) that same year.

But one Utah Republican believes using DNA evidence this way is a violation of privacy.

“Of course, it’s understandable that law enforcement would want to find leads using this very private DNA information,” said Rep. Craig Hall, R-West Valley City. “But I believe that the ends do not justify the means. We don’t tolerate a surveillance society just to catch bad guys.”

Hall plans to introduce legislation to block law enforcement from conducting what he calls “mass searches” on DNA databases, though his bill — which has not yet been made public — would allow exceptions for cases where police can show probable cause.

If adopted, Hall believes his legislation would be the first law of its kind in the country. Similar legislation [prohibiting the use of familial DNA to solve crimes](#) was introduced in Maryland last year, but did not go anywhere.

“The Utah Legislature over the last several years has had a pretty strong record of protecting individual privacy in light of new technologies,” Hall said.

In 2019, the GOP lawmaker sponsored a bill that protects digital information from law enforcement, which passed unanimously.

On his DNA bill, Hall expects opposition from law enforcement groups, but says he’s “cautiously optimistic” about its chances of passing. Leaders of the Utah Chiefs of Police Association could not be reached for comment.

Ancestry, a Utah-based genealogy company which sells personal DNA kits, said protecting customer data and privacy is its “highest priority.”

“Ancestry does not share customer DNA data with insurers, employers or third-party marketers,” said spokeswoman Gina Spatafore. “Ancestry will also not share customer personal information with law enforcement unless compelled to by valid legal process, such as a court order or search warrant.”

The proposal has support from groups including the ACLU of Utah and the Libertas Institute.

Marina Lowe with the ACLU said she has heard police compare DNA data to fingerprints.

“It’s not just like a fingerprint,” she said. “Your fingerprint can’t connect you to your family members or tell all sorts of things about your personal health and makeup.”

Nicole Nixon covers politics for KUER. Follow her on Twitter @_Nixo