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Using Geolocation Data in Litigation

With the rise of smart phones and wearable devices, the use of applications (apps) with geolocation features has increased exponentially in recent years, and has gained even more prominence since the introduction of contact tracing through the ongoing COVID-19 pandemic. Besides offering many conveniences and benefits to users in their daily lives, geolocation features can provide important information for various types of litigation. Counsel bringing or defending a claim should consider whether and how to employ geolocation data to support their case and must understand the unique issues that using geolocation data in litigation presents.

Geolocation data refers to information derived from an electronic device, such as a mobile phone, tablet, vehicle receiver, or laptop, that can reveal the precise location of that device and, presumably, the individual using the device. Apps with tracking or geolocation capabilities are increasing in popularity and notoriety. Geolocation features on an app may, among other things:

- Provide information regarding the local weather and nearby restaurants, gas stations, hotels, and parks.
- Give directions to a destination and the expected time of arrival based on traffic flows and the user's movement, and guide a user through a building from room to room.
- Allow a user to track the locations of other individuals, such as the location of a specific student or faculty employee on a densely populated campus.
- Track a user's running distance, time, pace, and route.

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