

## Pierre Grosdidier in Texas Bar Journal: Privacy Matters

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**PRACTICES** Privacy and Cybersecurity, Litigation

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Is accessing a spouse's cellphone without consent against the law?

May you track your spouse's whereabouts with a hidden and undisclosed car GPS device or rummage through his or her cellphone if you suspect cheating? In Texas, the answers are yes and no, respectively, based on the limited caselaw available.

Under Texas Penal Code § 16.06, a person commits a Class A misdemeanor "if the person knowingly installs an electronic or mechanical tracking device on a motor vehicle owned or leased by another person." What if the car is community property? One Harris County judge has held that when a couple owned a vehicle jointly as community property, a spouse who placed a tracking device on the vehicle did not do so "upon a vehicle 'owned or leased by another person.'" The spouse, therefore, did not violate Texas Penal Code § 16.06.

**Excerpted from *Texas Bar Journal*, June 2018. To read the full article, [click here](#).**