Motel 6 Pays Price for Exposing Guest Data in Effort to Cooperate with ICE

Apr 24, 2019

Categories:

Publications

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Motel 6 recently agreed to a $12 million settlement with Washington state after the state filed a lawsuit against the hotel chain for releasing guests' private information to Immigration and Customs Enforcement ("ICE") agents. Daily between 2015 and 2017, ICE agents would enter several Motel 6 locations in Washington and obtain information regarding guests from the staff. The agents would circle the names of guests with Latino names and then run a search on those individuals on a database.

The information given to the ICE agents included the guests' names, passports, green cards, dates of birth, driver's license numbers, room numbers, license plate numbers, and other ID numbers. Motel 6 willingly turned over this information without any reasonable suspicion, probable cause, or warrants.

Providing this information to ICE did not go without consequences. For two years, Motel 6 disclosed the personal information of 80,000 guests, and at least nine guests were detained. Some of these individuals lost their jobs and were even deported. After receiving a report of this practice, Washington's Attorney General, Bob Ferguson, filed a lawsuit against the hotel chain because the actions led to "significant harmful consequences, including the detention and deportation of many guests and the suffering of their families."

Ferguson noted that "Motel 6's actions tore families apart and violate[d] the privacy rights of tens of thousands of Washingtonians." The $12 million settlement serves as restitution to the 80,000 guests whose private information was disclosed to ICE. According to Ferguson, "our resolution holds Motel 6 accountable for illegally handing over guests' private information without a warrant."

As part of the settlement Motel 6 agreed to "continue to enforce its guest privacy policy, which prohibits the sharing of guest information except in cases where a judicially enforceable warrant

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or subpoena is present, or local law requires this information." A 2018 lawsuit accused two other Motel 6 locations of giving guest information to ICE. That lawsuit has also settled.

Whether it be at the border or within the states, immigration enforcement is an important topic today. But Motel 6's actions serve as a cautionary tale for employers. Requests from government agencies may be legitimate, but absent a court subpoena or a warrant, voluntary cooperation with government agencies may implicate other laws, putting employers between a rock and a hard place. These concerns will only grow in the future as states like California implement sweeping new data privacy laws. Before disclosing information of employees, customers, or guests, companies would do well to consult with legal counsel and understand the potential risks.

For more information please contact Matthew O. Wagner, Brice Smallwood or any Attorney in Frost Brown Todd's Labor and Employment practice group.

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