## WINSTON & STRAWN LLP

**IN THE MEDIA**

# Damien Diggs Discusses Use of Generative AI Chats as Digital Evidence with *Cybersecurity Law Report*

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Winston & Strawn partner and former U.S. Attorney for the Eastern District of Texas Damien Diggs was quoted in the first article of a two-part series by *Cybersecurity Law Report* examining developments around the use of generative AI chat logs as digital evidence in criminal investigations and prosecutions.

With generative AI chatbots replacing search engines and OpenAI reporting 800 million users weekly, "[we] are going to see a lot more warrants like [the one issued in *Hoehner*]," Damien said, highlighting the U.S. v. Hoehner case in which a District of Maine court issued the first known federal search warrant asking OpenAI for user data.

Law enforcement could argue that because generative AI trains with user chats, individuals do not have privacy interest in the content of those chats. "I can see [the status of] AI chats being a constitutional issue that gets ginned up and litigated pretty heavily within the next year or two," Damien said.

Read the full article (subscription required).

1 Min Read

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[Damien M. Diggs](#)