

An open letter to Washington

Dear Mr. President and Members of Congress,

We understand that governments have a duty to protect their citizens. But this summer's revelations highlighted the urgent need to reform government surveillance practices worldwide. The balance in many countries has tipped too far in favor of the state and away from the rights of the individual — rights that are enshrined in our Constitution. This undermines the freedoms we all cherish. It's time for change.

For our part, we are focused on keeping users' data secure — deploying the latest encryption technology to prevent unauthorized surveillance on our networks, and by pushing back on government requests to ensure that they are legal and reasonable in scope.

We urge the US to take the lead and make reforms that ensure that government surveillance efforts are clearly restricted by law, proportionate to the risks, transparent and subject to independent oversight. To see the full set of principles we support, visit ReformGovernmentSurveillance.com

Sincerely,

AOL, Apple, Facebook, Google, LinkedIn, Microsoft, Twitter, Yahoo

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facebook

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YAHOO!

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Surveillance Reform Principles

1. Limiting Governments' Authority to Collect Users' Information

Governments should codify sensible limitations on their ability to compel service providers to disclose user data that balance their need for the data in limited circumstances, users' reasonable privacy interests, and the impact on trust in the Internet. In addition, governments should limit surveillance to specific, known users for lawful purposes, and should not undertake bulk data collection of Internet communications.

2. Oversight and Accountability

Intelligence agencies seeking to collect or compel the production of information should do so under a clear legal framework in which executive powers are subject to strong checks and balances. Reviewing courts should be independent and include an adversarial process, and governments should allow important rulings of law to be made public in a timely manner so that the courts are accountable to an informed citizenry.

3. Transparency About Government Demands

Transparency is essential to a debate over governments' surveillance powers and the scope of programs that are administered under those powers. Governments should allow companies to publish the number and nature of government demands for user information. In addition, governments should also promptly disclose this data publicly.

4. Respecting the Free Flow of Information

The ability of data to flow or be accessed across borders is essential to a robust 21st century global economy. Governments should permit the transfer of data and should not inhibit access by companies or individuals to lawfully available information that is stored outside of the country. Governments should not require service providers to locate infrastructure within a country's borders or operate locally.

5. Avoiding Conflicts Among Governments

In order to avoid conflicting laws, there should be a robust, principled, and transparent framework to govern lawful requests for data across jurisdictions, such as improved mutual legal assistance treaty — or “MLAT” — processes. Where the laws of one jurisdiction conflict with the laws of another, it is incumbent upon governments to work together to resolve the conflict.

Majority Leader Harry Reid
Minority Leader Mitch McConnell
United States Senate

Speaker John Boehner
Minority Leader Nancy Pelosi
United States House of Representatives

Chairman Patrick Leahy
Ranking Member Charles Grassley
Committee on the Judiciary
United States Senate

Chairman Bob Goodlatte
Ranking Member John Conyers, Jr.
Committee on the Judiciary
United States House of Representatives

Chairman Diane Feinstein
Vice Chairman Saxby Chambliss
Senate Permanent Select Committee on
Intelligence
United States Senate

Chairman Mike Rogers
Ranking Member Dutch Ruppersberger
House Permanent Select Committee on
Intelligence
United States House of Representatives

November 21, 2013

We the undersigned civil society groups, trade associations, companies and investors are supporters of the free and open Internet. We are writing to urge that intelligence surveillance practices be reformed by limiting the scope of surveillance and by substantially enhancing the privacy protections, oversight, and accountability mechanisms that govern that surveillance.

Recent disclosures regarding intelligence surveillance activity raise important concerns about the privacy and security of communications. This surveillance has already eroded trust that is essential to the free flow of information and to the exercise of human rights and civil liberties both in the United States and around the world.

To rebuild trust, we urge that the U.S. government act expeditiously to:

- allow companies to be much more transparent about the number and type of surveillance demands they receive;
- be much more transparent itself about the surveillance demands it makes, the surveillance activities in which it engages, and the legal bases for both;
- focus intelligence collection on terrorists, spies and other agents of foreign powers, rather than on everyone else; and
- ensure that its surveillance practices honor both Constitutional and human rights.

Toward this end, we welcome introduction in the House and Senate of the USA FREEDOM Act – legislation which promotes these goals. We oppose legislation that codifies sweeping bulk collection activities. We look forward to working with you on the USA FREEDOM Act and other legislation designed to protect the privacy of Internet users while permitting appropriately targeted intelligence surveillance necessary to protect against terrorism.

Sincerely,

Nonprofit Organizations

Access
Advocacy for Principled Action in Government
AIDS Policy Project
American Association of Law Libraries
American Booksellers Foundation for Free
Expression

Companies and Trade Organizations

Automattic Inc.
CloudFlare
Computer and Communications Industry Assoc.
CREDO Mobile
Data Foundry
DreamHost

Nonprofit Organizations

(cont'd)

American Library Association
American Civil Liberties Union
Arab American Institute
Association of Research Libraries
Center for Democracy and Technology
Center for Financial Privacy and Human Rights
Center for National Security Studies
Citizens for Responsibility and Ethics in Washington
Coalition Against Unsolicited E-mail
Competitive Enterprise Institute
The Constitution Project
Consumer Action
Council on American-Islamic Relations
Cyber Privacy Project
Defending Dissent Foundation
Demand Progress
DownsizeDC.org
Electronic Frontier Foundation
First Amendment Coalition
Freedom House
Free Press Action Fund
Freedom of the Press Foundation
Freedom to Read Foundation
FreedomWorks
Foundation for Innovation and Internet Freedom
Global Network Initiative
Government Accountability Project
Human Rights Watch
Liberty Coalition
OpenTheGovernment.org
Open Technology Institute
National Association of Criminal Defense Lawyers
National Coalition Against Censorship
National Security Counselors
Public Knowledge
OpenMedia.org
Personal Democracy Media
Project on Government Oversight
Reporters Without Borders
Republican Liberty Caucus
Rutherford Institute
TechFreedom
Texas Liberty Foundation
Companies and Trade Organizations
World Press Freedom Committee

(cont'd)

Dropbox
DuckDuckGo
Evoca
Golden Frog
Hewlett-Packard Company
Internet Infrastructure Coalition
Meetup
Mozilla
NetChoice
NY Tech Meetup
Reddit
ServInt
Sonic.net
SpiderOak
Tumblr
Twilio

Investors

Domini Social Investments
New Atlantic Ventures

October 31, 2013

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Michael S. Lee
Member, Committee on the Judiciary
United States Senate
316 Hart Senate Office Building
Washington, DC 20510

The Honorable John Conyers, Jr.
Ranking Member, Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank James Sensenbrenner, Jr.
Member, Committee on the Judiciary
U.S. House of Representatives
2449 Rayburn House Office Building
Washington, DC 20510

Dear Messrs. Chairman, Ranking Members and Members:

As companies whose services are used by hundreds of millions of people around the world, we welcome the debate about how to protect both national security and privacy interests and we applaud the sponsors of the USA Freedom Act for making an important contribution to this discussion.

Recent disclosures regarding surveillance activity raise important concerns both in the United States and abroad. The volume and complexity of the information that has been disclosed in recent months has created significant confusion here and around the world, making it more difficult to identify appropriate policy prescriptions. Our companies have consistently made clear that we only respond to legal demands for customer and user information that are targeted and specific. Allowing companies to be transparent about the number and nature of requests will help the public better understand the facts about the government's authority to compel technology companies to disclose user data and how technology companies respond to the targeted legal demands we receive. Transparency in this regard will also help to counter erroneous reports that we permit intelligence agencies "direct access" to our companies' servers or that we are participants in a bulk Internet records collection program.

Transparency is a critical first step to an informed public debate, but it is clear that more needs to be done. Our companies believe that government surveillance practices should also be reformed to include substantial enhancements to privacy protections and appropriate oversight and accountability mechanisms for those programs.

We also continue to encourage the Administration to increase its transparency efforts and allow us to release more information about the number and types of requests that we receive, so that the public debate on these issues can be informed by facts about how these programs operate. We urge the Administration to work with Congress in addressing these critical reforms that would provide much needed transparency and help rebuild the trust of Internet users around the world.

We look forward to working with you, the co-sponsors of your bills, and other members on legislation that takes into account the need of governments to keep individuals around the world safe as well as the legitimate privacy interests of our users around the world.

Sincerely,

