

President Barack Obama
The White House

Attorney General Eric Holder
United States Department of Justice

Director of National Intelligence James R. Clapper
Office of the Director of National Intelligence

General Keith Alexander
Director
National Security Agency

The Honorable Harry Reid
Senate Majority Leader
United States Senate

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate

The Honorable John Boehner
Speaker of the House
United States House of Representatives

The Honorable Nancy Pelosi
House Minority Leader
United States House of Representatives

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary

The Honorable Dianne Feinstein
Chairman
Senate Permanent Select Committee on Intelligence
United States Senate

The Honorable Saxby Chambliss
Vice Chairman
Senate Permanent Select Committee on Intelligence
United States Senate

The Honorable Mike Rogers
Chairman
House Permanent Select Committee on Intelligence

The Honorable Dutch Ruppersberger
Ranking Member
House Permanent Select Committee on Intelligence

July 18, 2013

We the undersigned are writing to urge greater transparency around national security-related requests by the US government to Internet, telephone, and web-based service providers for information about their users and subscribers.

First, the US government should ensure that those companies who are entrusted with the privacy and security of their users' data are allowed to regularly report statistics reflecting:

- The number of government requests for information about their users made under specific legal authorities such as Section 215 of the USA PATRIOT Act, Section 702 of the FISA Amendments Act, the various National Security Letter (NSL) statutes, and others;
- The number of individuals, accounts, or devices for which information was requested under each authority; and
- The number of requests under each authority that sought communications content, basic subscriber information, and/or other information.

Second, the government should also augment the annual reporting that is already required by statute by issuing its own regular "transparency report" providing the same information: the total number of requests under specific authorities for specific types of data, and the number of individuals affected by each.

As an initial step, we request that the Department of Justice, on behalf of the relevant executive branch agencies, agree that Internet, telephone, and web-based service providers may publish specific numbers regarding government requests authorized under specific national security authorities, including the Foreign Intelligence Surveillance Act (FISA) and the NSL statutes. We further urge Congress to pass legislation requiring comprehensive transparency reporting by the federal government and clearly allowing for transparency reporting by companies without requiring companies to first seek permission from the government or the FISA Court.

Basic information about how the government uses its various law enforcement–related investigative authorities has been published for years without any apparent disruption to criminal investigations. We seek permission for the same information to be made available regarding the government’s national security–related authorities.

This information about how and how often the government is using these legal authorities is important to the American people, who are entitled to have an informed public debate about the appropriateness of those authorities and their use, and to international users of US-based service providers who are concerned about the privacy and security of their communications.

Just as the United States has long been an innovator when it comes to the Internet and products and services that rely upon the Internet, so too should it be an innovator when it comes to creating mechanisms to ensure that government is transparent, accountable, and respectful of civil liberties and human rights. We look forward to working with you to set a standard for transparency reporting that can serve as a positive example for governments across the globe.

Thank you.

Companies

AOL
Apple Inc.
CloudFlare
CREDO Mobile
Digg
Dropbox
Evoca
Facebook
Google
Heyzap
LinkedIn
Meetup
Microsoft
Mozilla
Reddit
salesforce.com
Sonic.net
Stripe
Tumblr
Twitter
Yahoo!
YouNow

Nonprofit Organizations & Trade Associations

Access
American Booksellers Foundation for Free Expression
American Civil Liberties Union
American Library Association
American Society of News Editors
Americans for Tax Reform
Brennan Center for Justice at NYU Law School
Center for Democracy & Technology
Center for Effective Government
Committee to Protect Journalists
Competitive Enterprise Institute
Computer & Communications Industry Association
The Constitution Project
Demand Progress
Electronic Frontier Foundation
First Amendment Coalition
Foundation for Innovation and Internet Freedom
Freedom to Read Foundation
FreedomWorks
Global Network Initiative
GP-Digital
Human Rights Watch
Internet Association
National Association of Criminal Defense Lawyers

Investors

Boston Common Asset Management
Domini Social Investments
F&C Investments
New Atlantic Ventures
Union Square Ventures
Y Combinator

Nonprofit Organizations & Trade Associations
(cont'd)

National Coalition Against Censorship
New America Foundation's Open Technology
Institute
OpenTheGovernment.org
Project On Government Oversight
Public Knowledge
Reporters Committee for Freedom of The Press
Reporters Without Borders
TechFreedom
Wikimedia Foundation
World Press Freedom Committee