

Twitter sues FBI, DOJ to release NSA request info

October 7 2014, by Barbara Ortutay



In this Monday, Nov. 4, 2013, file photo, pedestrians cross the street in front of Twitter headquarters in San Francisco. Twitter on Tuesday, Oct. 7, 2014 filed a lawsuit against the FBI and the Department of Justice to be able to release more information about government surveillance of its users. (AP Photo/Jeff Chiu, File)

Twitter is suing the FBI and the Department of Justice to be able to release more information about government surveillance of its users.

The social media company filed a lawsuit Tuesday in a California federal court to publish its full "transparency report," which documents government requests for user information. Twitter Inc. published a surveillance report in July but couldn't include the exact number of national security requests it received because Internet companies are prohibited from disclosing that information, even if they didn't get any requests.

The San Francisco-based company said in a blog post that it believes it's entitled under the First Amendment to "respond to our users' concerns and to the statements of U.S. government officials by providing information about the scope of U.S. government surveillance."

The U.S. government has been able to access phone networks and high-speed Internet traffic for years to catch suspected criminals and terrorists. The FBI also started pushing technology companies like Google, Skype and others to guarantee access to their data streams and grab emails, video chats, pictures and more. It recently emerged that Yahoo was threatened with a daily fine of \$250,000 by the U.S. government if it didn't comply with demands to give up information on its users. A secret 2007 lawsuit and subsequent appeal was ultimately unsuccessful, the company said last month after a federal judge ordered some material about the court challenge to be unsealed.

Technology companies say they turn over information only if required by court order, and in the interest of transparency with their customers, want to share information about the government's activities.

"Our ability to speak has been restricted by laws that prohibit and even criminalize a service provider like us from disclosing the exact number of national security letters ('NSLs') and Foreign Intelligence Surveillance Act ('FISA') court orders received—even if that number is zero," Ben Lee, Twitter's vice president of legal, wrote in a blog post.

In January, the Justice Department and five leading Internet companies including Google Inc., Facebook Inc., Yahoo Inc., and LinkedIn Corp., agreed to a compromise that would allow the firms to reveal how often they are ordered to turn over information about their customers in national security investigations.

DOJ spokeswoman Emily Pierce said in an email Tuesday that the agency worked collaboratively with those companies "to allow them to provide broad information on government requests while also protecting national security." The Federal Bureau of Investigation referred requests for comment to the Justice Department's response.

But Twitter's lawsuit pushes further—for example, it wants to be able to disclose what types of information the government did or didn't ask for.

"We hope that other technology companies will now follow Twitter's lead," said Jameel Jaffer, deputy legal director of the American Civil Liberties Union, in a statement. "Technology companies have an obligation to protect their customers' sensitive information against overbroad government surveillance, and to be candid with their customers about how their information is being used and shared."

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