

# Privacy wars pit tech firms vs. the feds

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In this March 21, 2016 photo, Apple CEO Tim Cook speaks at an event to announce new products at Apple headquarters in Cupertino, Calif. Companies like Apple and Microsoft pushing back against the surveillance state in the courts, arguing that federal authorities have overstepped their legal authority to obtain your chats, email and other crucial information from phones and online services.(AP Photo/Marcio Jose Sanchez)

Companies like Apple and Microsoft are pushing back against government surveillance in the courts, arguing that federal authorities have gone too far in obtaining chats, emails and other private information from phones and online services.

The stakes for both sides continue to rise. More and more of daily life is moving into digital devices and online, putting individuals more at risk as messages, files and photos move to the cloud. But that [information](#) is also a treasure trove for criminal investigators.

Here's what the battleground looks like right now.

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## APPLE AND THE FBI

Sparks flew for weeks over the FBI's demand that Apple help it unlock an iPhone linked to the December San Bernardino attack that killed 14 people.

The FBI wanted Apple Inc. to create a software tool for bypassing a self-destruct feature on the phone. Apple insisted that doing so would weaken security for all iPhone users. But the [government](#) maintained that Apple was required to do so under the All Writs Act, which dates back to 1789.

The two sides appeared to be gearing up for a long court battle, but the government announced last month that an outside party had come forward with a way to crack the phone, effectively ending the case.

The underlying issue, however, remains unsettled. The FBI said that the method used to unlock the phone only works on the iPhone 5C. Several other pending federal cases involve newer versions of the iPhone.

Most notably, the Justice Department is still trying to force Apple to help it unlock an iPhone involved in a New York City drug case . The judge in that case ruled that the government can't use the All Writs Act to justify its request.

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## MICROSOFT'S COURT BATTLES

Earlier this week, Microsoft filed suit against the Justice Department over its use of court orders requiring the company to turn over customer files stored in its computer centers.

Microsoft Corp. says the government is using a dated 1986 law to get court orders for customers' data, while in some cases prohibiting the company from notifying the customer. Microsoft says those "non-disclosure" orders violate its constitutional right to free speech, as well as its customers' protection against unreasonable searches.

According to Microsoft, authorities used the Electronic Communications Privacy Act to demand [customer information](#) more than 5,600 times in the last 18 months. In nearly half those cases, the company was ordered by a court to keep the demand secret and, in about 1,750 cases, those gag orders were indefinite.

Microsoft is also fighting the government's demand for emails of a non-U.S. citizen that the company has stored in a data center located in Ireland. Company officials have argued the case could open the door to other governments demanding information stored in the U.S.

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## WHAT OTHER COMPANIES ARE DOING

With no end in sight to these battles, other companies are also boosting security in hopes of assuring their customers that their information is safe from government snooping.

Google , Facebook and Yahoo have increased their use of encryption, which shields [private information](#) from prying eyes. They've also sued for the right to report how often authorities demand customer information under national security laws, after former National Security Agency contractor Edward Snowden leaked details of government data-gathering efforts.

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