

AP, other media ask judge to order release of iPhone records

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In this Feb. 17, 2016 file photo an iPhone is seen in Washington. The Associated Press and other news organizations are asking a judge to force the federal government to reveal how much it paid for a tool to unlock an iPhone used by one of the San Bernardino shooters. (AP Photo/Carolyn Kaster, File)

The Associated Press and two other news organizations asked a judge Monday to force the federal government to reveal how much it paid for a tool to unlock an iPhone used by one of the San Bernardino,

California, shooters.

The news organizations said in a court filing there was "no adequate justification" for the FBI to continue to withhold [information](#) on the cost of the tool or the identity of the vendor that sold it. They said their requests were narrowly tailored and, contrary to the arguments of the FBI and Justice Department, did not seek information that would jeopardize [national security](#) or be exploited by America's enemies.

"While it is undisputed that the vendor developed the iPhone access tool, the [government](#) has identified no rational reason why knowing the vendor's identity is linked in any way to the substance of the tool, much less how such knowledge would reveal any information about the tool's application," lawyers for the news organizations wrote in the filing to the U.S. District Court in Washington.

The AP, Vice Media LLC and Gannett, the parent company of USA Today, sued the FBI in September. The news organizations sought to learn more about the mysterious transaction that cut short a legal dispute in which the government won a court order to force Apple Inc. to unlock the work phone of Syed Rizwan Farook, who along with his wife killed 14 people in the December 2015 San Bernardino attack.

The FBI had maintained for weeks that only Apple could access the information on its phone, which was protected by encryption, but announced in March that it had ultimately broken or bypassed the company's digital locks with the help of an unidentified third party. The government has refused to say how it acquired the tool or how much it paid, though FBI Director James Comey dropped a hint in April when he said the cost was more than he would make for the duration of his job—roughly seven years.

The Justice Department last month provided some heavily redacted

records from the transaction, but withheld critical details that the AP was seeking. The government argued that the information it withheld, if released, could be seized upon by "hostile entities" that could develop their own "countermeasures" and interfere with the FBI's intelligence gathering. It also said that disclosure "would result in severe damage to the FBI's efforts to detect and apprehend violators of the United States' national security and criminal laws through these very activities and methods."

But in their latest court filing, the [news organizations](#) said they never sought the sensitive information the FBI has said it wants to protect, such as how the tool worked. They said the government was improperly invoking national security exemptions to the Freedom of Information Act, which they say mandates the release of the information.

"Release of this information goes to the very heart of FOIA's purpose, allowing the public to assess government activity—here, the decision to pay public funds to an outside entity in possession of a [tool](#) that can compromise the digital security of millions of Americans," the lawyers wrote.

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