

Attorney General Eric Holder
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable John F. Kerry
Secretary of State
US Department of State
Harry S. Truman Building
2201 C Street, NW
Washington, DC 20520

Rand Beers
Acting Secretary of Homeland Security
US Department of Homeland Security
Washington, D.C. 20528

September 13, 2013

Dear Attorney General Holder, Secretary Kerry, and Acting Secretary Beers,

The Global Network Initiative (GNI) is a multi-stakeholder group of companies, civil society organizations (including human rights and press freedom groups), investors and academics, who have created a collaborative approach to protect and advance freedom of expression and privacy in the Information Communications and Technology (ICT) sector.

GNI commends the United States for its leadership role in the Freedom Online Coalition. The Coalition's efforts have been crucial in securing recognition at the UN Human Rights Council that human rights apply online. Moving forward, the Coalition will be an essential voice in pressing for the protection of rights in specific instances, as it did most recently in response to new regulation in Vietnam.

However, we are concerned that the United States' communications surveillance practices seriously threaten the United States' reputation as a champion of Internet freedom and undermine your ability to advocate for other governments to support human rights online.

Individually and collectively, GNI and its members have engaged the US government on this issue through public statements, joint letters, and a submission to the Privacy and Civil Liberties Oversight Board. Our public statement on 28 June 2013 called for three specific actions:

- 1) a declassification process for significant legal opinions to inform public debate and enable oversight of government actions
- 2) revisions to the provisions that restrict discussion of national security demands
- 3) Governments to lead by example, particularly those already committed to protecting human rights online, and report on their own surveillance requests

We are encouraged to see action and legislative proposals by Congress and the Executive branch in recent weeks, particularly the announcement that the United States will begin releasing information on the number of orders issued and the number of



Protecting and Advancing
Freedom of Expression and
Privacy in Information and
Communications Technologies

targets affected by those orders under a number of national security authorities. Unfortunately, this new reporting falls short of the level of detail demanded in a recent joint letter signed by GNI and a wide range of Internet companies, trade associations, investors and privacy advocates.

We acknowledge the huge sensitivity around these issues and the critical role of governments to maintain security. As the much needed public debate unfolds we are writing to each member of the Freedom Online Coalition asking them to report on the requests they make for electronic communications surveillance and to make it legally possible for companies to report regularly to the public on the government requests that they receive from law enforcement as well as national security authorities. It is particularly important that ICT companies are able to report on the number of national security surveillance they receive and the number of persons affected.

We recognise that these are significant policy decisions. Alongside our statement mentioned above, several weeks ago we launched a report looking at the specific issues relating to the telecommunications industry which made a number of recommendations about increased transparency. We expect that through this and other work, GNI will play an active role in the public debate. We look forward to engaging directly with the United States on this topic, as well as through broader discussions with the Freedom Online Coalition.

Yours sincerely,



Jermyn Brooks
Independent Chair
Global Network Initiative



Susan Morgan
Executive Director
Global Network Initiative

cc: Privacy and Civil Liberties Oversight Board
Review Group on Intelligence and Communications Technologies
Eileen Chamberlain Donahoe, U.S. Ambassador to the Human Rights Council