

Empowering users with more #transparency on national security surveillance

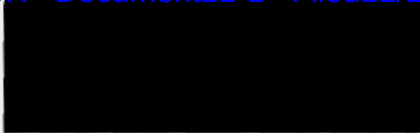
[Date] __, 2014 | By _____ [title] [time]

Twitter is a unique global platform. It provides a public voice to people all over the world—people who inform and educate others, express their individuality, and seek positive change. Because we are committed to free expression, we vigilantly protect our users' right to know when others threaten their privacy and their freedom to communicate by trying to unmask them or seeking other information about them. Like all companies, Twitter can be compelled by court orders and other means to release user information to the government. Unless our users understand how much, how often, and what kinds of information Twitter is forced to disclose, our users cannot make informed decisions when posting their often courageous Tweets. Therefore, it is vital that Twitter be transparent with its users and be able to communicate this information in a manner that is relevant, understandable and useful.

For the past two years, Twitter has published a Transparency Report, which includes aggregate numbers of requests for account information received from the U.S. government and from other governments around the world. However, our reporting has not included U.S. national security requests such as National Security Letters ("NSLs") or court orders issued pursuant to the Foreign Intelligence Surveillance Act ("FISA"). The truth is that from January 1, 2012, to December 31, 2013, the U.S. government issued a relatively small number of national security requests to Twitter for information concerning its users and their communications.

_____ during this period. The primary reason for this volume is that Twitter's platform is inherently open, and almost all communications are broadcast publicly for everyone to see. (In fact, only a small number of "protected" Tweets and direct messages are not publicly available for all to see.) In this way, Twitter's situation is quite different from that of other communications providers, such as Web-based email services, where most communications are private.

Recently, in order to settle a lawsuit brought before the secret FISA court, the government agreed that companies could disclose their receipt of NSLs and FISA orders separately, for six-month periods, in nonsensical ranges of 0-999 and, if NSLs are lumped together with FISA orders, in ranges of 0-249. Notably, this agreement does not even permit a company to state truthfully that it has not received *any* national security requests, or any of a particular kind of national security request, when none have been issued to it.



Given the recent disclosures regarding U.S. government surveillance, as well as our government's related statements and selective declassifications, Twitter needs to be in a position to dispel our users' fears and provide meaningful information about the *limited* scope of U.S. surveillance on its platform. The current government policy forbids us from responding to one-sided government speech and forces us to mislead our users by reporting overly broad ranges of requests. Forcing Twitter to use only government-sanctioned speech is wrong and unlawful. It is harmful to the public's trust in Twitter, and it violates Twitter's First Amendment right to free speech.

We want everyone to know that the U.S. government's surveillance of Twitter users through NSLs and FISA orders is *quite limited*. The number of national security requests Twitter receives has *increased* over time, but even during the last six months of 2013, the combined number of NSLs and FISA orders that Twitter received was [redacted] of the 249 combined requests that the government would have Twitter suggest [redacted]

[redacted] If Twitter decided to report its receipt of national security requests in ranges, we would use ranges that are more proportional to what we receive—e.g., [redacted] of the scale that the other providers are using—and report [redacted] total NSLs and FISA orders received in that period (July 1 – December 31, 2013), that is, [redacted] NSLs and [redacted] FISA orders. More precisely, Twitter received *just* [redacted] NSLs and [redacted] FISA orders over this six-month period. These [redacted] requests affected a total of [redacted] users, out of approximately 240 million active user accounts. (That's just [redacted] *millionths* of *one percent* of our users.) In addition, [redacted]



These are *small* numbers, whether considered individually, in the aggregate, or as a percentage of Twitter's total number of active users. Therefore, it is important that we be able to share *our* version of the surveillance story that so many others are trying to tell now. We intend to make this kind of report on a regular basis and hope that, in doing so, we can continue to give our users valuable information that will help them trust in the safety of their communications as they use Twitter to voice their opinions, views, and ideas.

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