Matthew C. Albert

2017 CCCAF Essay Topic
“In regard to National Security, should the Federal Government have the authority to direct private companies to relinquish personal data from their customers?”

For the sake of national security, companies should be obligated to provide personal information to the federal government only if the information has direct relations to the case at hand. This allows the federal government to track terrorist actions; determine if there is a legitimate threat; and gain access to valuable information that could reveal potential terrorist plans.

The federal government has a number of measures in place that allow them to access information from private companies. For example, the USA Patriot Act gives law enforcement the ability to use court orders to gain access to business records from companies. Having this capability could for example, allow investigators to search records from a hardware store or a chemical company that could lead to someone who was making a bomb. The Cybersecurity Information Sharing Act of 2015 (CISA) enables private companies to share cyber threat information with the government in the interest of national security. However, one of the components of the CISA states that all personal information that has no relation to the case must be scrubbed before any other information is given. This protects people’s personal information while aiding the government in the fight against terrorists.

In 2013, during the course of a federal investigation, the U.S. government attempted to force Microsoft to turn over personal data on an individual that was stored on servers in Ireland. While ultimately Microsoft did turn over information that was located within the U.S., Microsoft on appeal did not have to release the data stored on its servers in Ireland. The court of appeals determined that the U.S. would have to use diplomatic channels with cooperating law enforcement agencies in Ireland and the UK in order to gain the relevant information. In a Transparency Report by ride sharing company Uber, it was reported that 732 requests for personal data was made by state and federal law enforcement agencies. Uber has a very detailed process for releasing personal data in the interest of law enforcement and or national security that allows them to ensure that requests are made within the letter of the law. Uber complied with 85% percent of the requests made by law enforcement agencies in 2016. It is critical that due process is followed during these requests and that companies such as Uber or Microsoft are involved in this process.

The measures currently used by the federal government to obtain personal data from private companies are in place for the safety of our nation. There is a delicate balancing act between people’s rights and the security of the country. If we prevent the federal government from accessing vital information that could potentially avert a terrorist act, then our way of life could be in jeopardy. There are many checks and balances in place to ensure that the federal government does not abuse its authority. Despite the public’s aversion to having their personal data in the hands of the government, it should only be done in the interest of National Security.