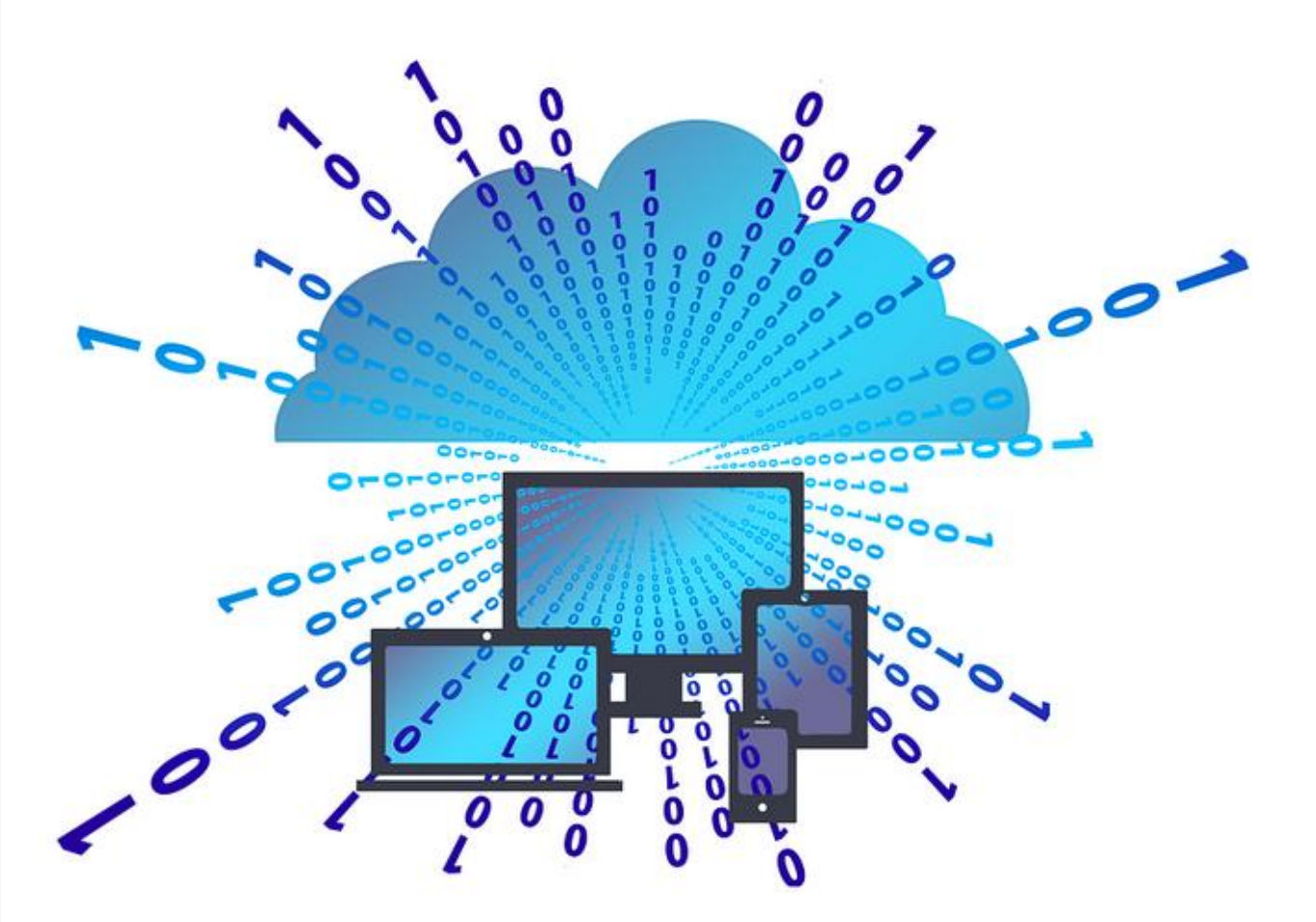
The US Government Destroyed Our Privacy While No One Was Looking

written by GEG | March 28, 2018



The CLOUD Act, which was included in last week's Omnibus bill, eviscerates what may have been left of citizen privacy in America and it makes personal information readily available to other governments. Foreign police now can wiretap communications from U.S. companies without a warrant, foreign nations can demand personal data stored in the US, the US president can make agreements to allow police in foreign nations to seize data in the US while ignoring US privacy laws, foreign police can obtain data without notifying the US government, and it empowers US police to grab any data from anyone, regardless of where it is stored. In other words, It empowers the US government and foreign governments to invade the privacy of anyone it wants to stalk. [The big question is why did President Trump sign such a bill when he could have vetoed it? The assertion that Hillary would have been worse is not an answer to that question.] -GEG

While the nation remained fixated on gun control and Facebook's violative practices last week, the U.S. government quietly codified the CLOUD Act, its own intrusive policies on citizens' data.

While the massive, $1.2 trillion omnibus spending bill passed Friday received widespread media attention, the CLOUD Act – which lawmakers snuck into the end of the 2,300-page bill – was hardly addressed.

> *The Clarifying Lawful Overseas Use of Data Act (CLOUD) "updates the rules for criminal investigators who want to see emails, documents and other communications stored on the internet," CNET reported. "Now law enforcement won't be blocked from accessing someone's Outlook account, for example, just because Microsoft happens to store the user's email on servers in Ireland."*

The CLOUD Act will also allow the U.S. to enter into agreements that allow the transfer of private data from domestic servers to investigators in other countries on a case-by-case basis, further globalizing the ever-encroaching surveillance state. The Electronic Frontier Foundation, which has strongly opposed the legislation, listed several consequences of the bill, which it called "far-reaching" and "privacy-upending":

- *Enable foreign police to collect and wiretap people's communications from U.S. companies, without obtaining a U.S. warrant.*
- *Allow foreign nations to demand personal data stored in the United States, without prior review by a judge.*
- *Allow the U.S. president to enter "executive agreements" that empower police in foreign nations that have weaker privacy laws than the United States to seize data in the United States while ignoring U.S. privacy laws.*
- *Allow foreign police to collect someone's data without notifying them about it.*
- *Empower U.S. police to grab any data, regardless if it's a U.S. person's or not, no matter where it is stored.*

The bill is an update to the current MLAT (Mutual Legal Assistance Treaty), the current framework for sharing internet user data between countries, which both legislators and tech companies have criticized as inefficient.

> *Some tech companies, like Microsoft, have endorsed the new CLOUD policy. Brad Smith, the company's president and chief legal officer, called it "a strong statute and a good compromise," that "gives tech companies like Microsoft the ability to stand up for the privacy rights of our customers around the world."*

They echoed the sentiment of lawmakers like Orrin Hatch (R-UT). In February, he said of the bill:

> *"The CLOUD Act bridges the divide that sometimes exists between law enforcement and the tech sector by giving law enforcement the tools it needs to access data throughout the world while at the same time creating a commonsense framework to encourage international cooperation to resolve conflicts of law."*

But one of the biggest complaints from privacy advocates, however, it that the new legislation places too much unmitigated power in the hands of governments with abysmal human rights records while also giving too much discretion to the U.S. government's executive branch. Noting that the executive branch will decide which countries are human rights compliant and that those countries will then be able to engage in data collection

and wiretaps without any further restrictions or oversight

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