

# THE TWITTER GAG

Like a bunch of tech companies, Twitter has now released an updated transparency report since last week's settlement.

But unlike the other tech companies, Twitter offers no information about national security requests. It suggests, at first, that last week's settlement (to which it was not a party) does not allow it to provide reporting that would be meaningful to Twitter users.

Last week, the U.S. Department of Justice and **various communications providers** reached an **agreement** allowing disclosure of national security requests in very large ranges. While this agreement is a step in the right direction, **these ranges do not provide meaningful or sufficient transparency for the public, especially for entities that do not receive a significant number of – or any – national security requests.**

As previously noted, we think it is essential for companies to be able to disclose numbers of national security requests of all kinds – including national security letters and different types of FISA court orders – separately from reporting on all other requests. **For the disclosure of national security requests to be meaningful to our users, it must be within a range that provides sufficient precision to be meaningful.** Allowing Twitter, or any other similarly situated company, to only disclose national security requests within an overly broad range seriously undermines the objective of transparency. In addition, we also want the freedom to disclose that we do not receive certain types of requests, if, in fact, we have not received any. [my emphasis]

This suggests (as would be consistent with earlier reporting) that Twitter receives no national security requests – or so few it is unwilling to report it as a 0 – 250 or 0 – 999 band it is permitted to report under the new Guidelines.

But I wonder. Note that Twitter says the Guidelines “unfairly impacts our users’ privacy,” which would only be the case if Twitter’s users had been impacted by NatSec requests. In addition, they provide two years of data: precisely the time period that would be covered by a new access to communication technology.

While it definitely seems like Twitter hasn’t gotten many requests, it also seems possible they’re being affected by that two year gag for whatever request they get.