

WHY ISN'T DOJ COMPLAINING ABOUT APPLE'S COOPERATION WITH POLICE STATES LIKE SOUTH KOREA ... OR THE US?

There was lots that was nasty in yesterday's DOJ brief in the Apple vs FBI case. But I want to look at this claim, from DOJ's effort to insinuate Apple is resisting doing something for the US government it has already done for China.

Apple suggests that, as a practical matter, it will cease to resist foreign governments' efforts to obtain information on iPhone users if this Court rules against it. It offers no evidence for this proposition, and the evidence in the public record raises questions whether it is even resisting foreign governments now. For example, according to Apple's own data, China demanded information from Apple regarding over 4,000 iPhones in the first half of 2015, and Apple produced data 74% of the time.

There are a bunch more claims in the paragraph, that I expect Apple will address in its reply. But in this passage, DOJ suggests that Apple is doing something nefarious by providing the government of a country of over 1.3 billion people access to information from 4,000 Apple devices.

Omigosh! 4,000 phones!! That's an unbelievable amount of cooperation with a repressive state!!!

Here's the section of Apple's transparency report from which DOJ gets the numbers.

Country	Total Number of Law Enforcement Device Requests Received	Number of Devices Specified in the Requests	Number of Device Requests Where Some Data Was Provided	Percentage of Device Requests Where Some Data Was Provided
Latin America				
Brazil	26	437	22	85%
Panama	1	1	0	0%
Latin America Total	27	438	22	81%
Asia Pacific				
Australia	2986	4332	1777	60%
China	1129	4398	841	74%
Hong Kong	525	908	345	66%
Japan	234	488	136	58%
New Zealand	286	342	186	65%
Singapore	1712	2565	862	50%
South Korea	154	37565	85	55%
Taiwan	36	37	13	36%
Thailand	6	6	4	67%
Asia Pacific Total	7068	50641	4249	60%
USA				
United States of America	3824	9717	3093	81%
Canada				
Canada	25	134	17	68%

As you can see, China has asked for data from roughly the same number of devices as Australia, a country with 2% of China's population (and a much smaller market for iPhones; though China's number is higher if you include Hong Kong). By far the biggest snoop into citizens' devices is South Korea (with a population of just over 50 million), which has asked for data on 37,565 devices.

And if providing a government information on devices is a sign of tyranny, then the DOJ better start worrying about ... the US, which asked for information from more than twice as many phones as China in the same period, and which got compliance more often.

In truth, this is a bullshit metric, attacking responses to legal process from China as a kind of red-bashing, while ignoring the much greater data grab that our ally South Korea makes. It says nothing about special cooperation Apple has given China.

That doesn't mean Apple hasn't made such cooperation, but DOJ's use of such a stupid number ought to raise real questions about the rest of it.