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Director of National Intelligence

February 25, 2025

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

The Honorable Andy Biggs
U.S. House of Representatives
Washington, DC 20515

Dear Senator Wyden and Representative Biggs:

Thank you for your letter dated 13 February 2025 concerning reported actions by the United Kingdom toward Apple that could undermine Americans' privacy and civil liberties at risk. I am aware of the press reporting that the UK Home Secretary served Apple with a secret order directing the company to create a "back door" capability in its iCloud encryption to facilitate UK government access to any Apple iCloud users' uploaded data anywhere in the world. I share your grave concern about the serious implications of the United Kingdom, or any foreign country, requiring Apple or any company to create a "backdoor" that would allow access to Americans personal encrypted data. This would be a clear and egregious violation of Americans' privacy and civil liberties, and open up a serious vulnerability for cyber exploitation by adversarial actors.

I was not made aware of this reported order, either by the United Kingdom government or Apple, prior to it being reported in the media. I have requested my counterparts at CIA, DIA, DHS, FBI and NSA to provide insights regarding the publicly reported actions, and will subsequently engage with UK government officials. The UK's Investigatory Powers Act of 2016, also known as the Snoopers' Charter, which I understand would be at issue, allows the UK to issue a "gag order," which would prevent Apple or any company from voicing their concerns with myself, or the public.

I have directed a senior Intelligence Community officer to work with ODNI's Office of Civil Liberties, Privacy, and Transparency and ODNI's Office of Partner Engagement, to outline the potential implications of the United Kingdom compelling an American company to create a "back door" that would allow the UK government to retrieve private user content.

My lawyers are working to provide a legal opinion on the implications of the reported UK demands against Apple on the bilateral Cloud Act agreement. Upon initial review of the

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U.S. and U.K. bilateral CLOUD Act Agreement, the United Kingdom may not issue demands for data of U.S. citizens, nationals, or lawful permanent residents (“U.S. persons”), nor is it authorized to demand the data of persons located inside the United States. The same is true for the United States – it may not use the CLOUD Act agreement to demand data of any person located in the United Kingdom.

Any information sharing between a government—any government—and private companies must be done in a manner that respects and protects the U.S. law and the Constitutional rights of U.S. citizens. I look forward to ensuring the UK government has taken necessary actions to protect the privacy of American citizens, consistent with the CLOUD Act and other applicable laws, irrespective of any press reporting.

Our intelligence relationships with foreign partners are of vital importance to our national security, however, my obligations as Director of National Intelligence include protecting both the security of our country and the God-given rights of the American people enshrined in the U.S. Constitution. I look forward to working with my foreign counterparts to achieve both. I remain committed to keeping Congress currently and fully informed of developments on this and other intelligence-related matters.

Sincerely,



Tulsi Gabbard

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