



October 19, 2016

The Honorable James R. Clapper  
Director of National Intelligence  
Office of the Director of National Intelligence  
Washington, DC 20511

Dear Director Clapper,

I write to you regarding recent media reports stemming from an October 4 Reuters article about an alleged classified order from the U.S. government. At Yahoo, we are deeply committed to transparency and to protecting the rights of our users. Yahoo was mentioned specifically in these reports and we find ourselves unable to respond in detail. Your office, however, is well positioned to clarify this matter of public interest. Accordingly, we urge your office to consider the following actions to provide clarity on the matter: (i) confirm whether an order, as described in these media reports, was issued; (ii) declassify in whole or in part such order, if it exists; and (iii) make a sufficiently detailed public and contextual comment to clarify the alleged facts and circumstances.

We appreciate the need for confidentiality in certain aspects of investigations involving public safety or national security; however, transparency is critical to ensure accountability and in this context must include disclosing how and under what set of circumstances the U.S. government uses specific legal authorities, including the Foreign Intelligence Surveillance Act, to obtain private information about individuals' online activities or communications. Citizens in a democracy require such information to understand and debate the appropriateness of such authorities and how the government employs them.

As you know, Yahoo consistently campaigns for government transparency about national security requests and for the right to share the number and nature of the requests we receive from all governments. We apply a principled approach to handling government requests for user data, including in the national security context, articulated in our publicly-available Global Principles for Responding to Government Requests and regular transparency reports. Our company not only embraces its privacy and human rights responsibilities, we do so enthusiastically, passionately, and with a deep sense of global and moral responsibility. But transparency is not merely a Yahoo issue: Transparency underpins the ability of any company in the information and communications technology sector to earn and preserve the trust of its customers. Erosion of that trust online implicates the safety and security of people around the world and diminishes confidence and trust in U.S. businesses at home and beyond our borders.

Recent news stories have provoked broad speculation about Yahoo's approach and about the activities and representations of the U.S. government, including those made by the Government in connection with negotiating Privacy Shield with the European Union. That speculation results in part from lack of transparency and because U.S. laws significantly constrain—and severely punish—companies' ability to

Speak for themselves about national security related orders even in ways that do not compromise U.S. government investigations.

We trust that the U.S. government recognizes the importance of clarifying the record in this case. On behalf of Yahoo and our global community of users, I respectfully request that the Office of the Director of National Intelligence expeditiously clarify this matter.

Sincerely,



Ron Bell  
General Counsel  
Yahoo