

Court Case Making Online Privacy Much More Difficult For Americans

September 10th 2015 - A case being argued before the Second Circuit Court of threatens online privacy for Americans around the globe. In the case the Justice Department is arguing that Microsoft, which is storing email communications from its customers on servers in Ireland, must turn over certain emails because of a federal search warrant regardless of European Union privacy laws. Lawyers for the Justice Department are saying that these emails are actually business records belonging to Microsoft and not the personal property of the people who sent the mail messages using Hotmail.

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s.type = 'text/javascript';  
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s1.parentNode.insertBefore(s, s1);  
})();
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var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;  
po.src = 'https://apis.google.com/js/plusone.js';  
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);  
})();
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In the case Microsoft is arguing that because the mail messages in question are stored on servers in the air in the European Union that the Justice Department must use European law in order to gain access to the mail messages. This would mean going to court in Europe and convincing a court there that a similar warrant should be issued. Because EU privacy laws are much stronger than those in the US, it would be much more difficult to convince a judge to turn the mail messages over. But the Justice Department is arguing that because Microsoft is a US based company the warrant that was issued is sufficient to make the company turn over those records to the US government regardless of where they are stored.

Microsoft's attorney, Joshua Rosenkranz, said to the court, We would go crazy if China did this to us. He went on to say This notion of the government that private emails are Microsoft's business records is very scary.

When the warrant for the email messages was first issued, Microsoft fought it in court. They lost. Based on prior cases, it is quite likely that they will lose at the appeals court level too.

The email messages in question are wanted by the government In conjunction with a drug running case.

A ruling is expected in the case sometime between October of this year in February of next year.

byJim Malmberg

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