

DIGITALEUROPE and national associations disagree with the United States of America on the Microsoft Warrant Case

Brussels, 18 January 2018

DIGITALEUROPE files with the Supreme Court an amicus curia brief that represents 62 multinational technology companies and 37 national trade associations across the EU, accounting for 25,000 SMEs and 2 million employees.

Brussels, January 18 2018 – Today, DIGITALEUROPE, BITKOM, TECH IN France, and Syntec Numérique have filed its amicus curiae (friends of the court) brief to the Supreme Court of the United States of America on the Microsoft warrant case. DIGITALEUROPE believes the outcome of the Supreme Court case could lead to unacceptable U.S. Government access to data in Europe, which would violate European law.

“This case is about respecting other nations’ laws and processes”, states Cecilia-Bonefeld-Dahl, Director General of DIGITALEUROPE. “An opinion favouring the US Government may erode the trust of consumers, who rely on the application of E.U., not United States, data privacy rules. Those customers may hesitate to entrust their data to technology companies that are within reach of the United States’ criminal process.”

The amicus brief warns of the risks of a U.S. Supreme Court ruling in favour of the US government’s position and the impact it could have on European and U.S. companies:

Companies may have to choose between defiance of a United States warrant or the risk of substantial administrative, monetary, or even criminal penalties if the data transfer runs afoul of the E.U.’s stringent data protection rules. That potential conflict will acutely affect almost every industry stakeholder in the technology community.

Companies may increasingly block cross-border access to data to avoid liability and to satisfy market demand for privacy protection. The partition of the Internet along national borders would adversely affect hundreds of millions of customers who rely on seamless access to data and the other benefits of cloud computing. It also may erode the trust of consumers, who rely on the application of E.U., not United States, data privacy rules. Those customers may hesitate to entrust their data to technology companies that are within reach of the United States’ criminal process.

The foreign policy implications of the government’s position are also troubling. The government’s position may push other countries to retreat from the digital economy and accelerate the trend toward data localization laws that restrict the flow of information across borders. That development would harm U.S. economic and diplomatic interests and inhibit the full economic potential of the Internet. In addition, if the government’s position were the rule, other countries would be able to claim the reciprocal authority to seize data stored in the United States and transfer it abroad without regard to U.S. law or privacy regulations.

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ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE's members include in total 25,000 ICT Companies in Europe represented by 60 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org> @DIGITALEUROPE

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National Trade Associations

Austria: IOÖ
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Bulgaria: BAIT
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Denmark: DI Digital, IT-BRANCHEN
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Romania: ANIS, APDETIC

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Sweden: Foreningen Teknikföretagen i Sverige, IT&Telekomföretagen
Switzerland: SWICO
Turkey: Digital Turkey Platform, ECID
Ukraine: IT UKRAINE
United Kingdom: techUK