US Federal Court rules that Google must turn over emails stored abroad

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On Friday, February 3, a US Federal Court in Philadelphia ruled that Google is required to turn over emails stored outside the country as part of an FBI search warrant. Google has since announced that it will appeal the court's decision.

The FBI initially obtained the warrant in order to gather information for two separate domestic criminal investigations. The court's ruling conflicts with a recent legal precedent that allows corporations to withhold data related to criminal investigations as long as it is stored abroad and expands the legal framework for domestic government spying.

Despite the court's decision, Google has so far refused to provide information to the FBI, citing a July 14, 2016 decision by the Second Circuit Court of Appeals in New York. In July the court ruled that Microsoft did not have to provide emails, which were stored on servers in Ireland, to US law enforcement which wished to use them for a narcotics case.

As part of his 29-page ruling on Friday, US magistrate judge Thomas Rueter voiced his disagreement with the earlier ruling, stating, "In contrast to the decision in Microsoft, this court holds that the disclosure by Google of the electronic data relevant to the warrants at issue here constitutes neither a "seizure" nor a "search" of the targets' data in a foreign country."

Rueter also insisted that the decision in the Microsoft case could not be applied to Google because the latter company frequently moves data. While the warrant would force Google to change its practices by making the company round up data within the US, he claimed it was not a "seizure" become it did not "interfere with the customer's access or possessory interest in the user data."

The argument basically redefines the legal mean of the word "seizure" to not include electronic data, regardless of where it is kept.

Rueter further crafted a bizarre legal justification for the transfer of data to the United States claiming it only created the "potential for an invasion of privacy," but that the "actual infringement of privacy occurs at the time of disclosure in the United States."

Both the case with Microsoft and Google involved warrants issued under the Stored Communications Act, which was passed in 1986. Many US-based corporations are concerned that the law is outdated and will negatively impact their relationship with the European Union, which is one of the largest markets for technology firms.

As whistleblower Edward Snowden revealed, the National Security Agency (NSA) routinely collaborates with major US corporations for mass surveillance programs such as PRISM, which collected the emails, phone calls, text and video chats from Microsoft and Google, as well as Facebook, Yahoo, Apple and other leading tech companies.

Google, according to Rueter's ruling, receives more than 25,000 requests a year for user data from US authorities, and the company routinely complied with US warrants even when data was stored on servers outside the country. Whether or not the tech giant decides to go through with an appeal of the latest ruling, it is undoubtable that the close collaboration between the company and US law enforcement will continue.

Similarly, Rueter's ruling marks a continuation of the attacks against any limitations on mass surveillance that were initiated under the Obama administration.

On January 24, after the Second Appeals Court voted not to revisit the Microsoft case, four dissenting judges called for the case to be brought to the Supreme Court

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or Congress in order to reverse the decision. Similarly, the Justice Department stated it was “considering our options” about taking on the case.

Ten days before the appeal court’s decision, on January 14, and just days before Donald Trump’s inauguration, the Obama administration announced new rules that vastly expand American spying capabilities, including allowing the NSA to share bulk data of private communications with the other 16 intelligence agencies.

As part of this change the FBI could gain access to emails from individuals under investigation—as well as people that have been deemed innocent—regardless of where a company stores their data.

The Obama administration’s massive attack on democratic rights has worked to grant the new Trump administration seemingly unlimited powers to gather information and prepare for crackdowns against political opponents, including masses of workers and young people opposed to Trump’s fascistic policies.

The recent court decision is a stark warning that working people cannot rely on any section of the political establishment to defend even the most basic democratic rights.

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