

Re: Your policy on the use of software for the purpose of state surveillance

Amsterdam, 25 October 2013

Dear X,

We, the undersigned, an international coalition of digital rights organizations and supported by academics, are writing to you to express the concerns of worried citizens who entrust you with the security of their computer systems.

Several governments are planning to grant or have granted law enforcement with the authority to remotely break into computers, both foreign and domestic, in order to conduct surveillance in the course of investigations. In order to adequately breach the security of users' personal computers, law enforcement agencies must exploit vulnerabilities in users' software and install malware that will collect data from the targeted computers.

As a manufacturer of anti virus software, your company has a vital position in providing security and maintaining the trust of internet users as they engage in sensitive activities such as electronic banking. Consequently, there should be no doubt that your company's software provides the security needed to maintain this trust.

The consumers and companies whose systems you protect should be able to rely on the detection and removal of viruses and malware, regardless of their origin. Therefore, we would like to ask you to clarify your policy on this subject. More precisely we would appreciate a response to the following questions:

1. Have you ever detected the use of software by any government (or state actor) for the purpose of surveillance?
2. Have you ever been approached with a request by a government,

requesting that the presence of specific software is not detected, or if detected, not notified to the user of your software? And if so, could you provide information on the legal basis of this request, the specific kind of software you were supposed to allow and the period of time which you were supposed to allow this use?

3. Have you ever granted such a request? If so, could you provide the same information as in the point mentioned above and the considerations which led to the decision to comply with the request from the government?
4. Could you clarify how you would respond to such a request in the future?

Please let us know if you feel that you cannot, or cannot fully, answer any of the above questions because of legal constraints imposed upon you by any government. If you feel you cannot answer any of the questions above, please reply "no response" to this question.

Your response on this matter would be greatly appreciated. Please send your answer before the 15th of November 2013 to the office of Bits of Freedom.

Yours sincerely,

- Access - International
- Article 19 - UK
- Axel Arnbak – Netherlands
- Bits of Freedom – Netherlands
- Bart Jacobs – Netherlands
- Bruce Schneier – US
- Claudio Guarnieri – Italy
- Digital Courage – Germany
- Digitale Gesellschaft e.V. – Germany
- Föreningen för Digitala Fri- och Rättigheter (DFRI) – Sweden
- DRI – Ireland
- European Digital Rights (EDRi) – Europe
- E.J. Koops – Netherlands
- Electronic Frontier Foundation – United States
- Free Press Unlimited – Netherlands
- Internet Protection Lab – Netherlands
- ISOC – Netherlands

- Iuridicum Remedium - Czech Republic
- Jaap-Henk Hoepman - Netherlands
- Netzpolitik.org – Germany
- Open Rights Group – UK
- Panoptykon Foundation – Poland
- Privacy International – UK
- Privacy First – Netherlands
- Vrijschrift / ScriptumLibre– Netherlands