



October 17, 2013

VIA EMAIL (Libe-secretariat@ep.europa.eu)

Juan Fernando López Aguilar
Chairman
Committee on Civil Liberties, Justice and Home Affairs (LIBE)
European Parliament
60 rue Wiertz
B-1047 Brussels

**Re: Invitation to Participate in the European Parliament LIBE Committee
Inquiry on Electronic Mass Surveillance of EU citizens**

Dear Chairman López Aguilar:

Thank you for your invitation to participate in the 7 November European Parliament LIBE Committee inquiry on electronic mass surveillance of EU citizens ("Inquiry").

We greatly respect the LIBE Committee's efforts to foment a robust and open discussion of national security, user privacy, human rights and conflict of laws. These are issues of shared concern. Yahoo has worked hard over the years to earn users' trust, and we fight hard to preserve it. In 2007, we challenged the lawfulness of amendments to the U.S. Foreign Intelligence Surveillance Act. This year, we and other technology companies sued the U.S. government for the ability to share more about any U.S. national security requests that we receive. As a company, we continually evaluate whether further actions can be taken to protect privacy and our ability to defend it.

In light of this longstanding commitment, we consider it essential for the U.S. government to provide greater assurances about the scope of its user data requests. This is why we urged the U.S. government to produce its own transparency report, produced our first global law enforcement transparency report earlier this year, and participated in President Obama's Review Group on Intelligence and Communications Technologies, which will consider potential policy changes in connection with oversight of U.S. intelligence activities.

To the extent that Yahoo receives requests for data under U.S. intelligence statutes, such requests and the processes used to respond to them are classified. If we send someone to the Inquiry from the U.S. familiar with the U.S. government's intelligence requests, their participation potentially risks breaching their national security clearance and U.S. law; and, to send someone from Europe without such knowledge would not provide meaningful input to the LIBE Committee.

Therefore, we deeply regret that we must decline your invitation to participate in the Inquiry. This situation illustrates why we feel compelled to continue seeking a right to make greater disclosures under U.S. law and why we strongly advocate for government to government diplomacy around these matters.

Respectfully submitted,

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