



November 4, 2013

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jim Sensenbrenner, Jr.
United State House of Representatives
2449 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Leahy and Congressman Sensenbrenner:

I write on behalf of LinkedIn, the world's largest professional network with over 259 million members. I would like to thank you for your efforts to undertake necessary reform of the Foreign Intelligence Surveillance Act in order to enhance transparency and allow increased disclosure of the number and nature of FISA requests and National Security Letters received by companies such as LinkedIn. We have reviewed the legislation you have introduced and believe the bills are an important step to opening a crucial dialogue about government surveillance and the need to assure our national security while ensuring accountability and protecting the privacy of our citizenry. That said, we believe the bills should be strengthened to allow greater transparency and increase the information that companies such as LinkedIn are permitted to disclose regarding the number of national security-related requests for data that they receive. In particular, companies should be allowed to report total aggregate numbers of national security-related requests (including FISA requests and NSLs) without being limited to reporting in buckets of 100. We don't believe that merely reporting aggregate numbers of national security-related requests adversely impacts the work our security agencies perform to protect national security.

At LinkedIn, our core value is Members First. We are deeply committed to earning and keeping our Members' trust by being open, transparent, and responsive regarding the privacy and security of our members' data and communications on the LinkedIn platform. To that end, LinkedIn publishes transparency reports regarding government requests for member data on a bi-annual basis. These reports include details on the number and nature of government requests (e.g., subpoena, search warrant, etc.) for information and the number of members affected.

We have great respect for the government's efforts to protect our national security. At the same time, we believe that prohibiting companies from disclosing total aggregate information regarding the number of national security-related requests they receive does not serve to protect national security and does not help to foster trust in Internet-based businesses such as LinkedIn. LinkedIn



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has been frustrated by its inability to disclose more accurate information about government requests for data, an issue that has become more acute in light of the recent – and growing – revelations about U.S. government surveillance. We have attempted to work with the federal government to allow us to disclose basic information about the number of national security-related requests for data we receive but our efforts have reached an impasse. Because we could not successfully resolve this important issue, last September we found we had no choice but to file legal challenges to the U.S. government's position that disclosure of the total aggregate number of national security-related requests is prohibited.

Given our commitment to transparency and openness, we appreciate your inclusion of provisions in the bills to allow companies to disclose an estimate of the number of FISA orders and National Security Letters they receive. We believe, however, that the provisions contained in the bill do not go far enough to help ensure that companies such as LinkedIn can provide important and accurate information to their members regarding their data. We encourage you to modify your legislation to expressly permit companies to disclose the total aggregate number of national security-related requests rather than the current proposal to allow companies only to group these requests into buckets of 100, especially in those instances when the total number of requests is less than 100 (or may even be less than 10).

As you can appreciate, the 100-bucket approach is not helpful or sensible when the total number of government requests is low and the number of national security-related requests is even lower. Reporting total governmental requests or NSLs in buckets of 100 can actually risk misleading members and the public more generally regarding the number of government requests and the number of members affected, and would serve to distort the information provided rather than increase transparency. Again, we don't believe that disclosing the aggregate numbers of national security-related requests that we receive, if any, negatively impacts our government's critically-important job of protecting our national security.

We would be happy to discuss this issue further with you as the bills progress. We look forward to working with you closely on this important effort. Thank you again for your leadership on these critical issues.

Sincerely,

A handwritten signature in blue ink, appearing to be "Erika Rottenberg", written over a horizontal line.

Erika Rottenberg, VP, General Counsel
and Secretary