



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D. C. 20535-0001

June 17, 2013

Jane C. Horvath  
Director of Global Privacy  
1 Infinite Loop  
Cupertino, CA 90514

Dear Ms. Horvath:

We appreciate your discussion with us about your proposal to disclose certain information about the volume of legal process Apple receives.

As we discussed during our phone call on June 15, 2013, we do not intend to seek enforcement<sup>1</sup> of the non-disclosure provisions associated with any legal process, including FISA orders, in connection with the aggregate data described below, so long as Apple aggregates data for all of the legal process it received for intervals of six months, beginning with the period ending May 31, 2013, from any and all government entities in the United States (including local, state, and federal, and including criminal and national security-related requests) into bands of 1000, starting at zero, and which you may break down into one or both of the following two categories: the number of requests and the number of user accounts for which data was requested.

This position is an exercise of FBI discretion in light of current circumstances and the precise contours of this letter. Accordingly, our decision does not reflect the FBI's position with respect to potential disclosures by Apple that differ in any respect from the disclosures outlined in this letter. Nor is our decision a precedent for disclosures by any other company that is in receipt of such process, even if the disclosures were made in the manner that is proposed in this letter. The national security implications of disclosures related to the receipt of such process may vary depending on the identity of the company that is making the disclosure and the overall number of disclosures by different companies. For this reason, if other companies also seek to disclose information about the volume of such process that they receive, that may alter our calculus about the implications of disclosures by Apple. In addition, our current determination is based on our prediction about the potential national security consequences of the disclosures and as such we may in the future revise our position as circumstances change or as we evaluate the actual impact of your disclosures on national security.

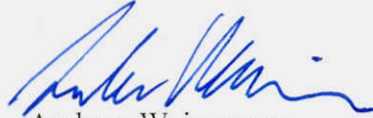
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<sup>1</sup> The FBI does not have the authority to negate a court order, nor can we bind state or local authorities.

This letter further commits Apple to coordinate with us before making any additional public disclosures about the volume of legal process you receive, beyond the contours outlined in this letter. If we revise our position, we will notify you. We would retain the right to bring an appropriate enforcement action with respect to any future disclosures you make after you receive a notification of our change in position.

Thank you again for coordinating your proposal with us. We appreciate your efforts to reach an agreement that promotes transparency without jeopardizing our national security responsibilities to the public.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Weissmann".

Andrew Weissmann  
General Counsel