



August 26, 2025

The Honorable Pamela Bondi
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Bondi:

The Business Software Alliance has long recognized the importance of strong encryption. We are therefore concerned with recent press reports about an order issued by authorities in the United Kingdom that could undermine the widespread adoption of encrypted technologies.

Although we were pleased to see Director of National Intelligence Tulsi Gabbard announce that the UK will not pursue that order, we remain concerned about the potential for the United Kingdom to enforce orders applicable to users in the UK. We encourage you to use powers given to the Attorney General under the CLOUD Act to ensure that American companies can continue to offer important privacy and security protections to consumers worldwide — and that they are not subject to orders that weaken those protections.

President Trump signed the CLOUD Act into law in 2018. That law modernizes access to digital evidence across international borders. It also authorizes the United States to enter into agreements with key allied governments that increase the economic competitiveness of American businesses. CLOUD Act Agreements help American companies do business globally by addressing potential conflicts of law that can create distrust of US businesses in other markets. These agreements also contain commitments to core American values, including privacy, civil liberties, and due process. More broadly, the CLOUD Act is also a critical tool to counter transnational criminal activity, including international cybercrime and child exploitation, and therefore helps foster trust in US technology.

In 2019, the first Trump Administration announced entering into the first-ever CLOUD Act Agreement, with the United Kingdom. That historic pact contains an efficient and privacy-protective mechanism for accessing digital evidence to combat serious crime. The US-UK CLOUD Act Agreement has produced significant public safety benefits — and puts important limits on the United Kingdom's use of that Agreement.

We encourage you to use those limits to push back on any UK orders that require American companies to undermine privacy-protective features like encryption. **In particular, if the UK issues an order affecting a provider's ability to offer encryption to protect its global users, we recommend notifying UK authorities that you will invoke Section 12.3 of the US-UK CLOUD Act**

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Agreement to prohibit the UK from issuing legal process to American providers that have been served with a Technical Capability Notice (TCN) under the Investigatory Powers Act (IPA) of 2016.

This action is expressly permitted by Section 12.3 of the US-UK CLOUD Act Agreement, which authorizes the Attorney General to block the United Kingdom from issuing legal process to American companies under the Agreement for an “identified category” of legal process.

Using Section 12.3 in this way would:

- Prevent the United Kingdom from serving legal process directly on an American technology provider if the provider is subject to a TCN.
- Promote the ability of American technology providers to offer strong encryption to consumers across the globe.
- Discourage authorities in the United Kingdom from issuing orders that could weaken encrypted services offered by American companies. TCN orders can require the decryption of data that would otherwise be end-to-end encrypted and could compel companies to create backdoors that weaken products they sell globally. Recent press reports focus on the breadth of TCNs and the harmful precedent they set for digital services worldwide.
- Discourage other foreign governments from ordering American companies to undermine the security of their products and services.

We appreciate your commitment to public safety and to supporting US industry. We look forward to working with you on these important issues.

Sincerely,

Kate Goodloe
Managing Director
Business Software Alliance