

Modernizing the MLAT Process

Overview

- Mutual Legal Assistance Treaties (“MLATs”) must be implemented in **a more efficient and transparent manner** to remain effective for legitimate law enforcement needs.
- **BSA supports increased resources**, as requested by the Department of Justice, **and structural changes** to the MLAT process so that assistance is provided in a timelier manner in the digital world.

ISSUE DISCUSSION

MLATs are critical tools used by U.S. law enforcement to cooperate with foreign law enforcement agencies. MLAT requests have traditionally been made in writing, and often take many months to transmit and still more time for the foreign law enforcement agency to execute. It will:

- *Creation of a standard, online form for use in requesting MLAT assistance.* In the digital age, we should have a more efficient, online application system that would allow the status of MLAT requests to be tracked and ensure appropriate action is taken.
- *Improved transparency of requests and actions.* The Department of Justice should publish annual statistics on requests made by and to foreign governments, particularly if the requests are for obtaining the contents of electronic information.
- *Increased resources for the MLAT process.* The Department of Justice cannot modernize the MLAT process and improve its efficiency without adequate resources. The number of MLAT requests it receives, particularly for computer records, are increasing significantly.



BSA POSITION

BSA supports modernizing the MLAT process so that it can be used more efficiently, particularly when law enforcement is seeking the content of electronic communications that are stored in a foreign country.

- BSA members store content in the form of data around the world on behalf of customers that reside around the world.
- BSA recognizes the difficult situation that can create for law enforcement in one country seeking data stored in another country. The MLAT process, if modernized, can be an important tool to obtain in this situation, without creating conflicts between the privacy laws of different nations.
- Modernization should include an improved process for making and receiving MLAT requests and should provide greater transparency and accountability.
- BSA supports the Administration's FY16 request of \$53.3 million in funding for MLAT implementation and modernization to (1) centralize operations, (2) train and conduct outreach, (3) reduce the backlog of MLAT requests, and (4) make technology improvements.

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