

An Empirical Analysis on the Use and Reporting of  
**National Security Letters**

Alex Bellon, **Miro Haller**, Andrey Labunets, Enze “Alex” Liu, Stefan Savage

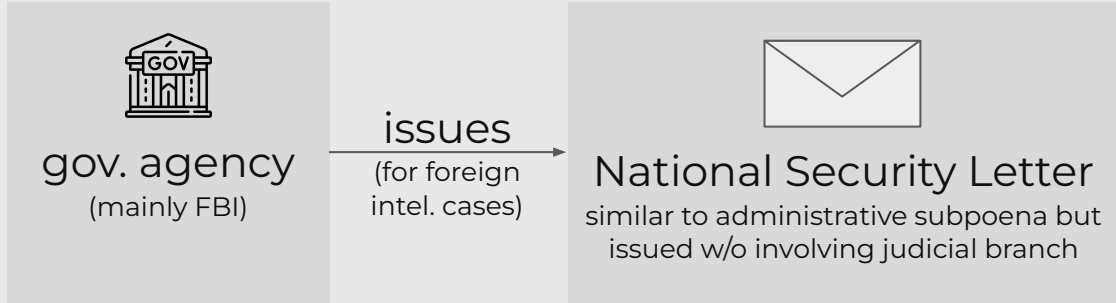
UC San Diego

# NSL: process



**National Security Letter**  
similar to administrative subpoena but  
issued w/o involving judicial branch

# NSL: process



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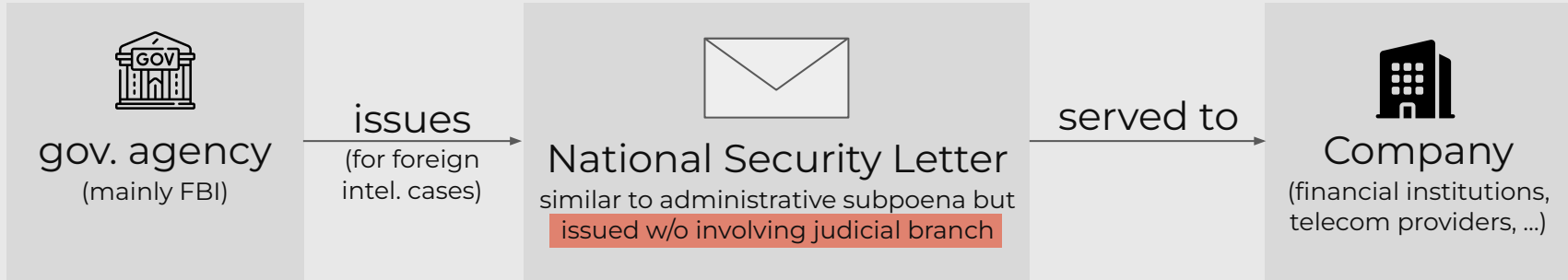
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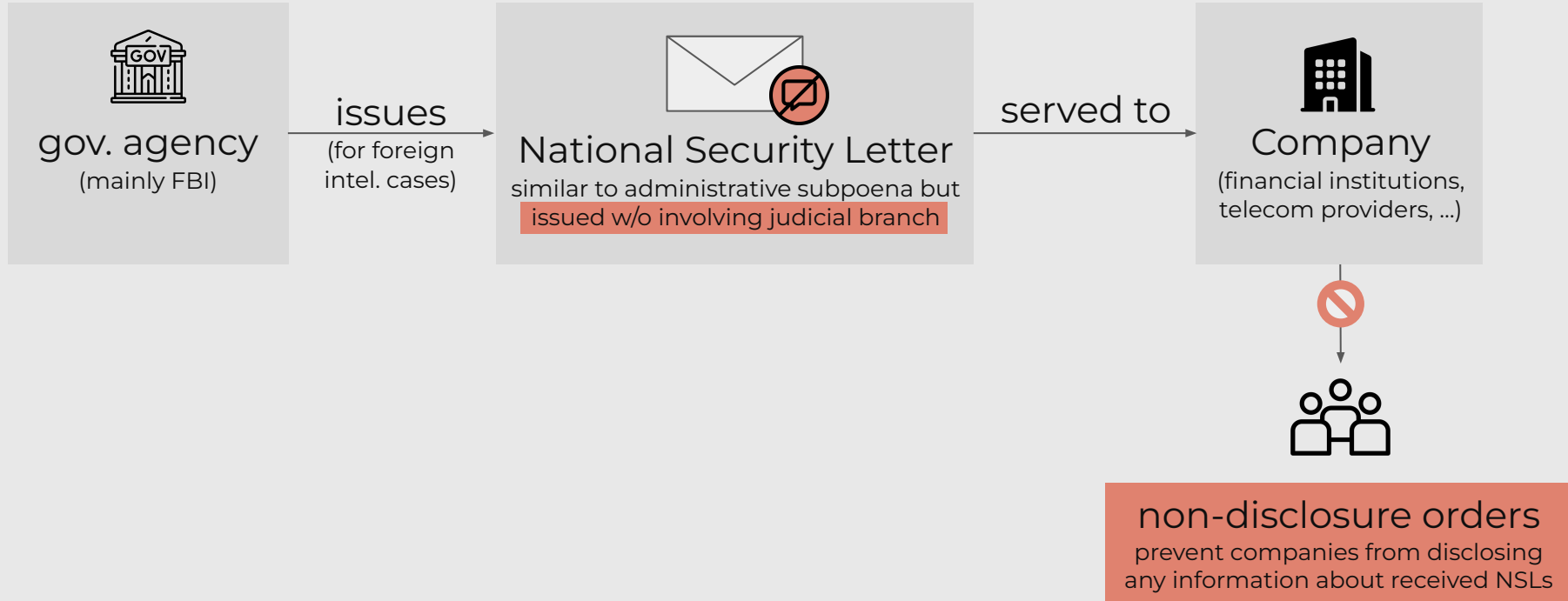
# NSL: process



# NSL: concerns about misuse



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## added controls:

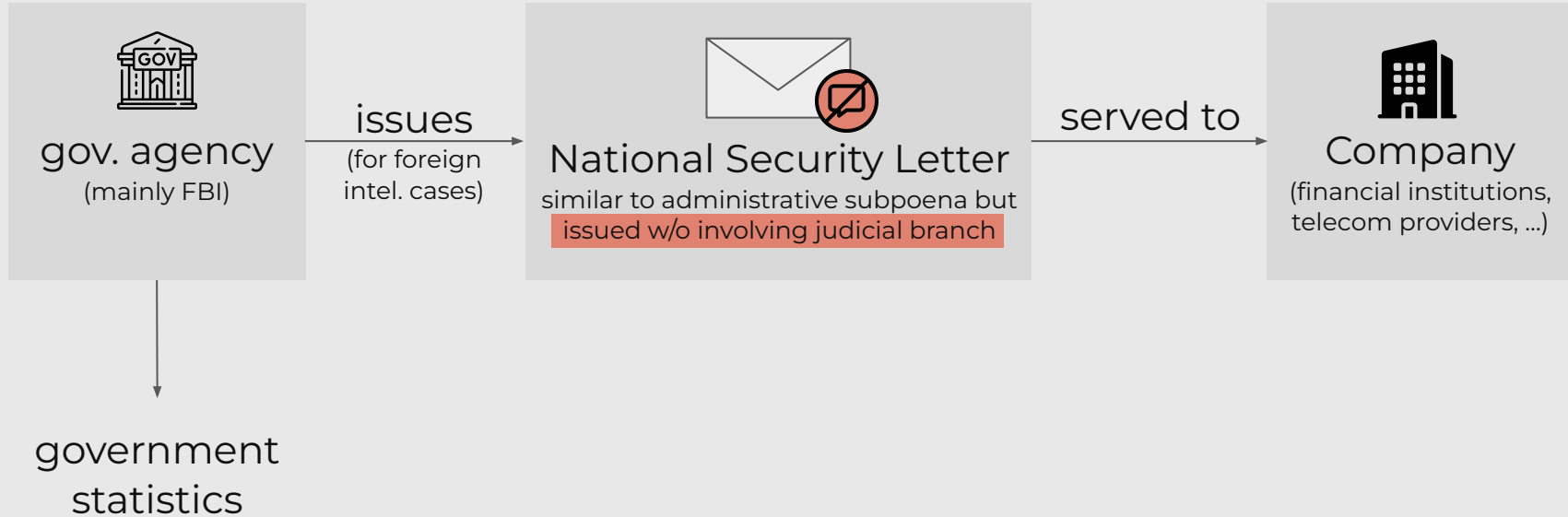
- FISA court
- review process for gag orders



# NSL: transparency

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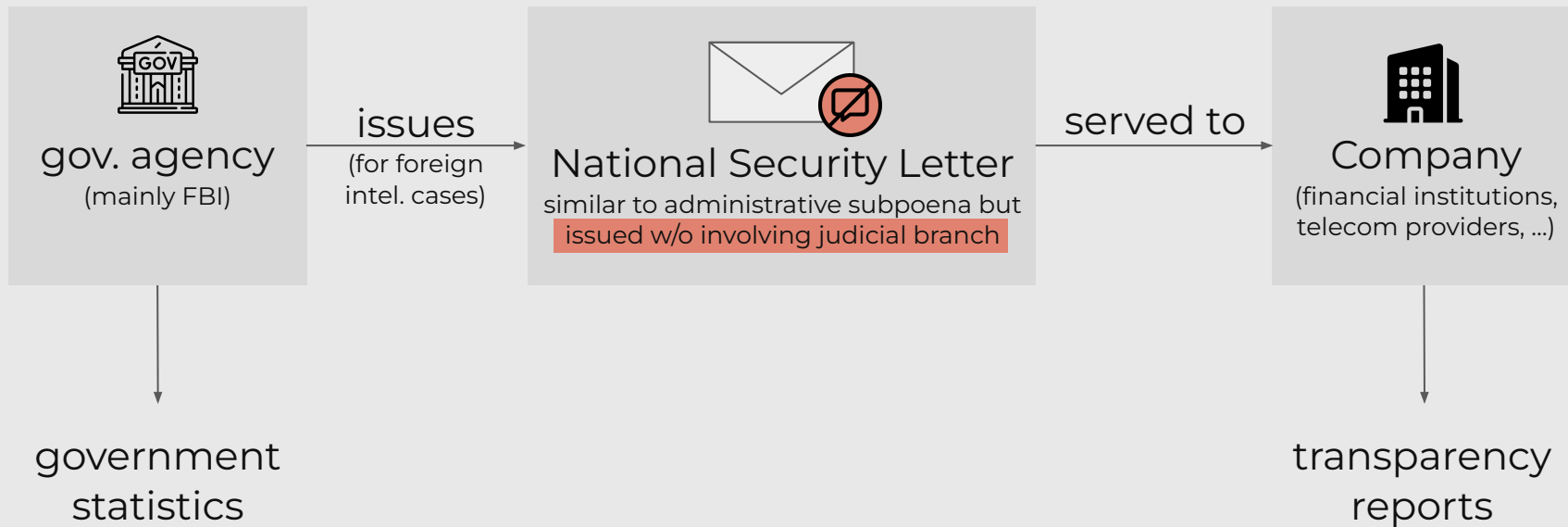
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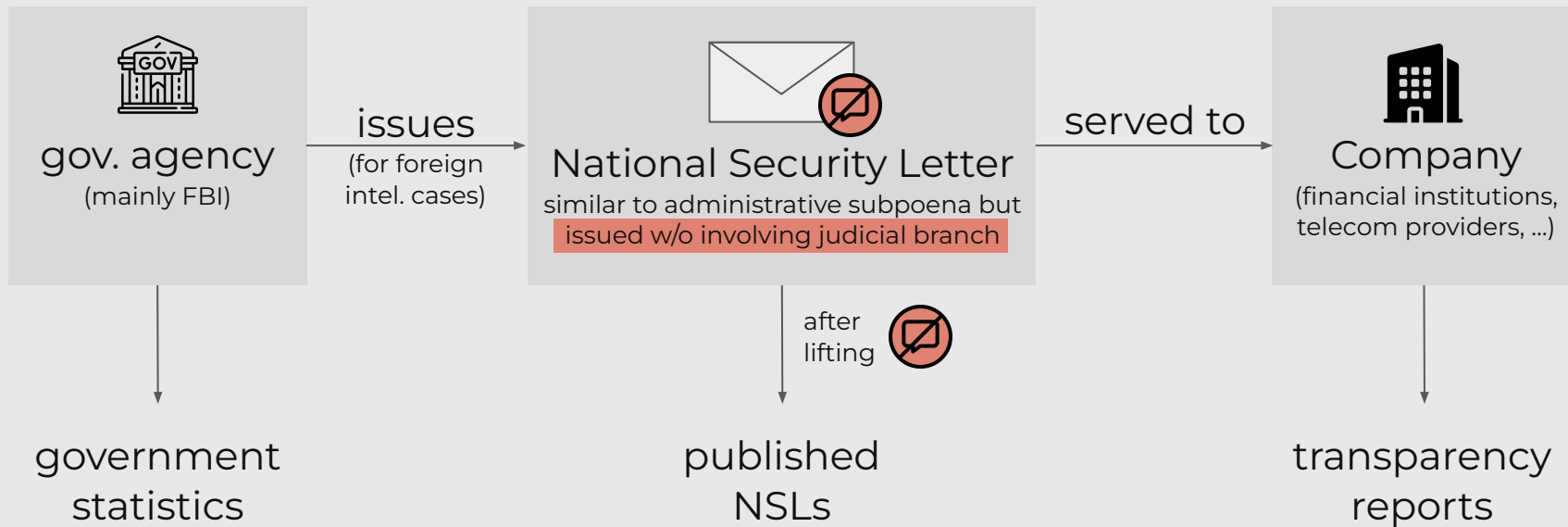
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→ transparency, enabling public and congressional oversight

# NSL: transparency ≠ auditability

government statistics

published NSLs

transparency reports

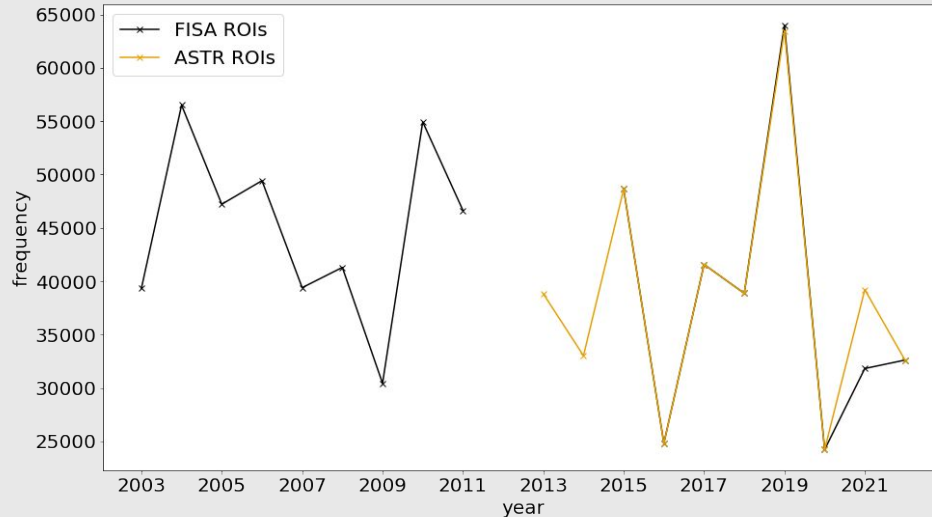
# NSL: transparency ≠ auditability

government statistics

- non-uniform sources (FISA, ASTR, OIG)
- incomplete data and changing format
- internal inconsistencies

published NSLs

transparency reports



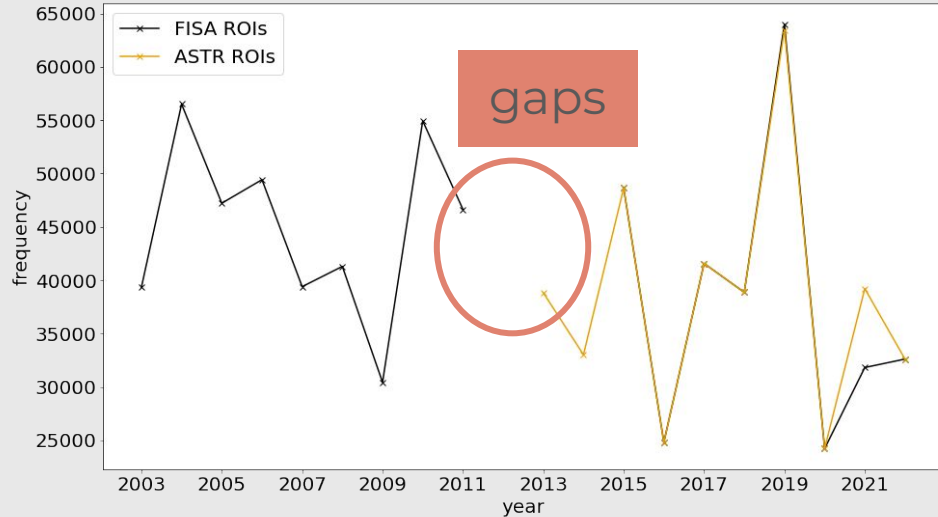
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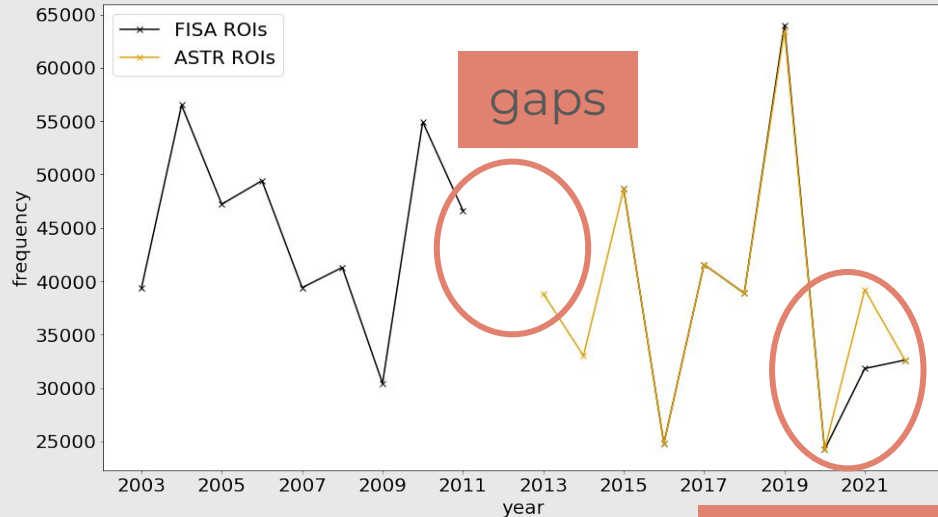
# NSL: transparency ≠ auditability

government statistics

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published NSLs

transparency reports



up to 20%  
discrepancy

# NSL: transparency ≠ auditability

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## published NSLs

- only 0.3% released
- unknown selection bias

## transparency reports

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## transparency reports

- restricted by non-disclosure order
- voluntary publishing

# NSL: transparency ≠ auditability

government statistics	published NSLs	transparency reports
<ul style="list-style-type: none"><li>• non-uniform sources (FISA, ASTR, OIG)</li><li>• incomplete data and changing format</li><li>• internal inconsistencies</li></ul>	<ul style="list-style-type: none"><li>• only 0.3% released</li><li>• unknown selection bias</li></ul>	
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	<ul style="list-style-type: none"><li>• not machine readable (PDF scans)</li><li>• no standardized format</li></ul>	

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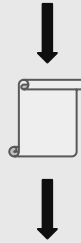
→ despite available raw data, public auditing is unlikely to occur

# contributions

government statistics

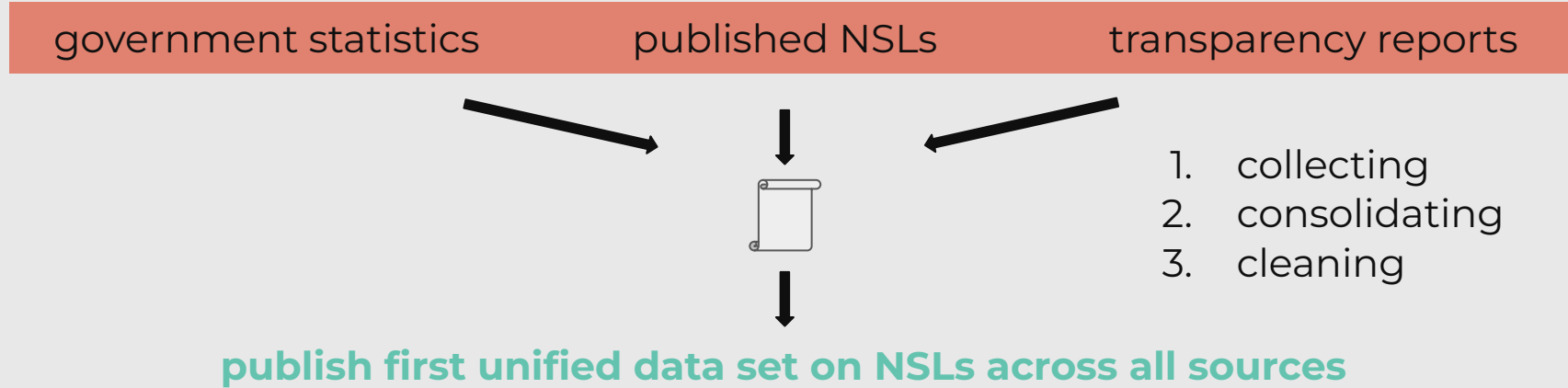
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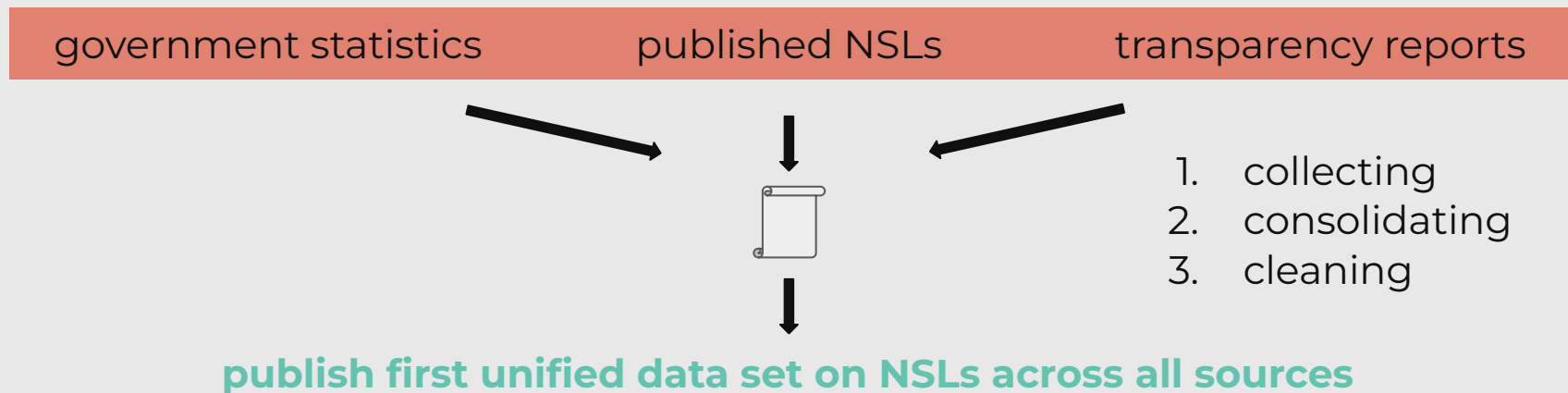


1. collecting
2. consolidating
3. cleaning

# contributions



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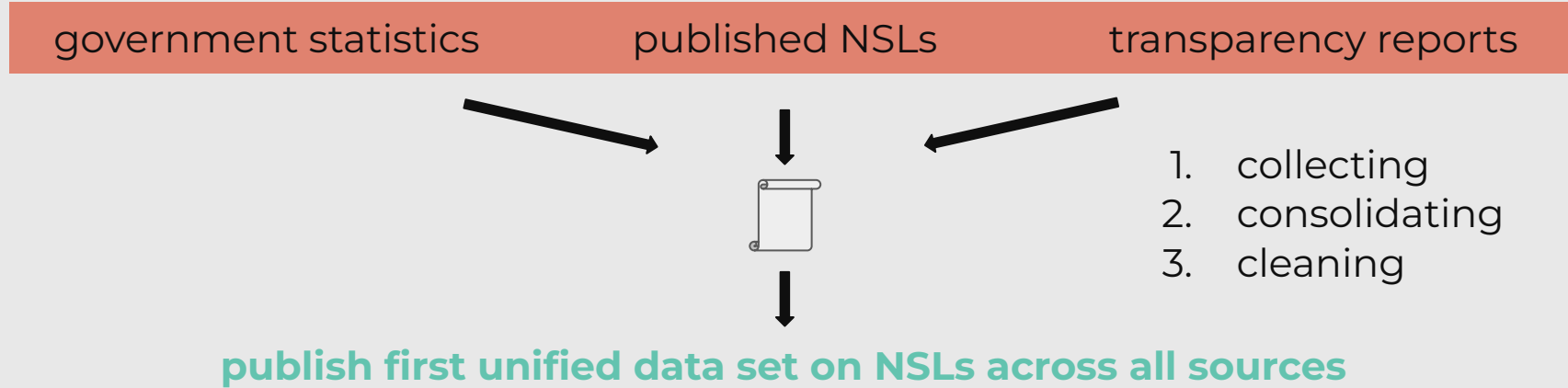


and discuss the following questions:

1. how accessible is this data collection?



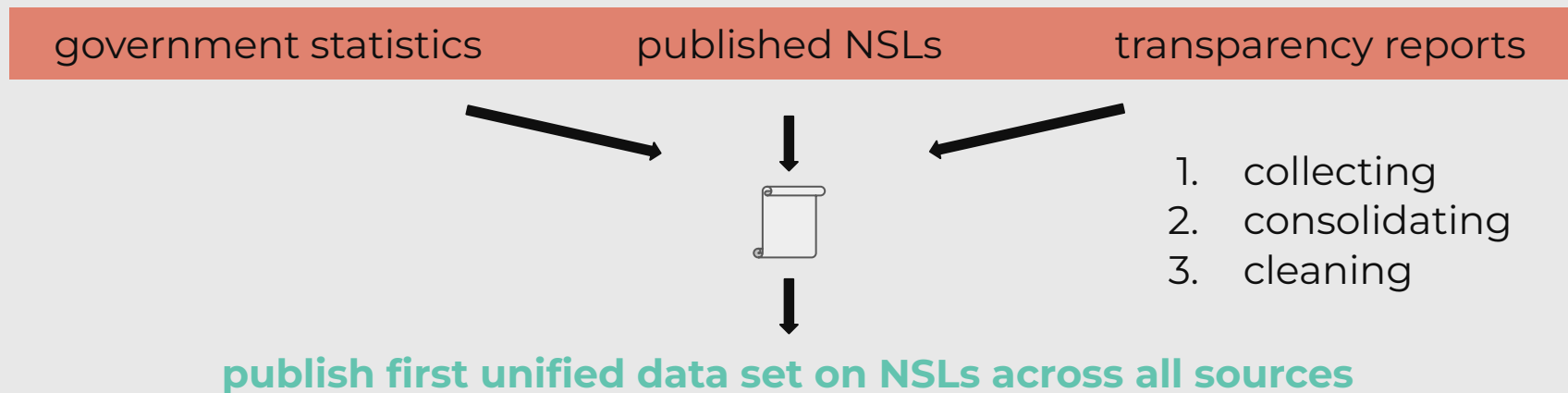
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2. can the public effectively assess the NSL usage from reported data?

# contributions



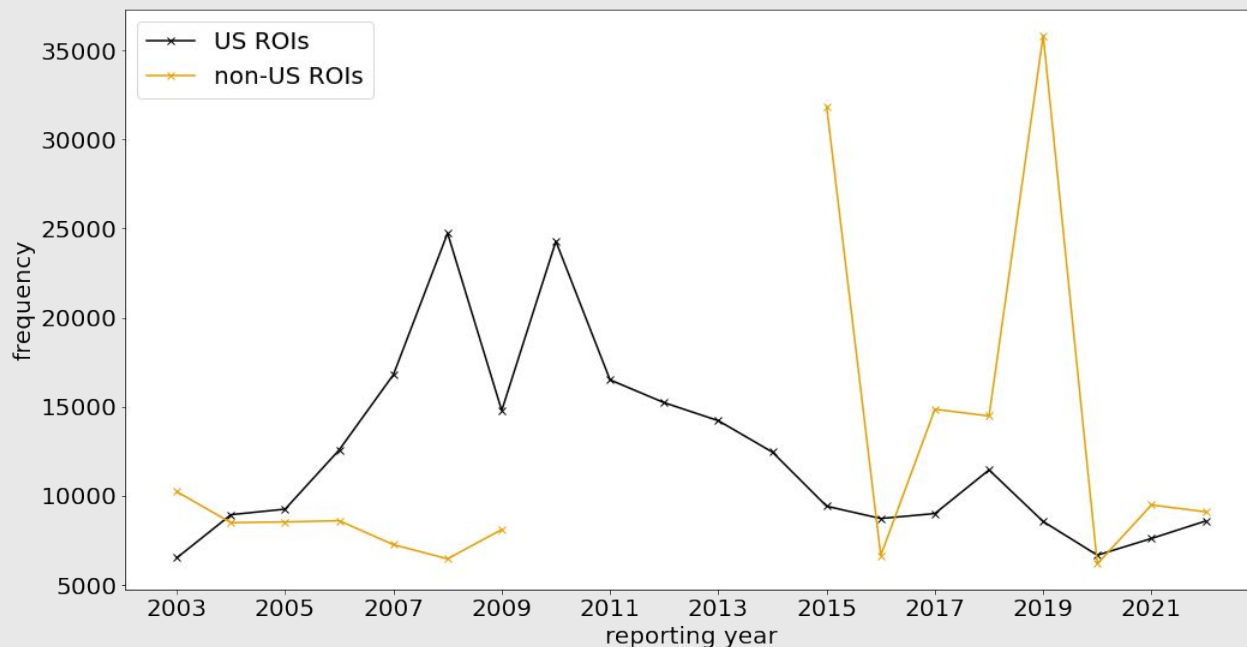
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1. how accessible is this data collection? **more in paper**
2. can the public effectively assess the NSL usage from reported data?

what can we learn from NSL  
data?

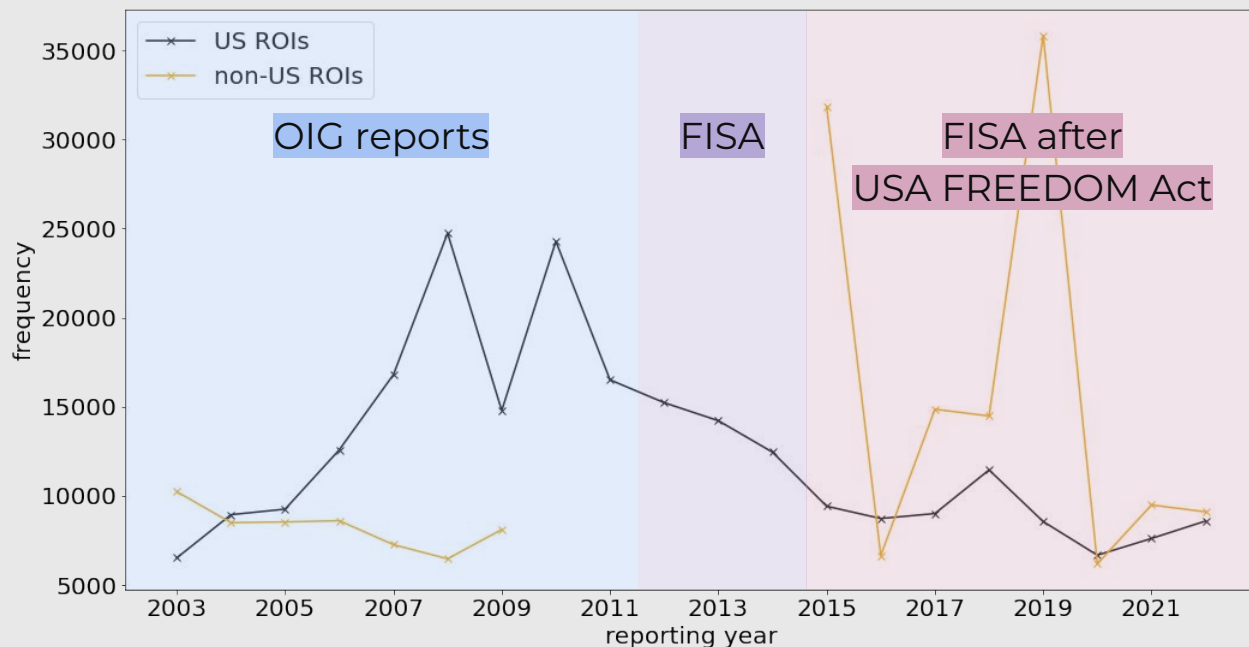
# government reports: NSL requests

- longitudinal analysis of Requests for Information (ROI)



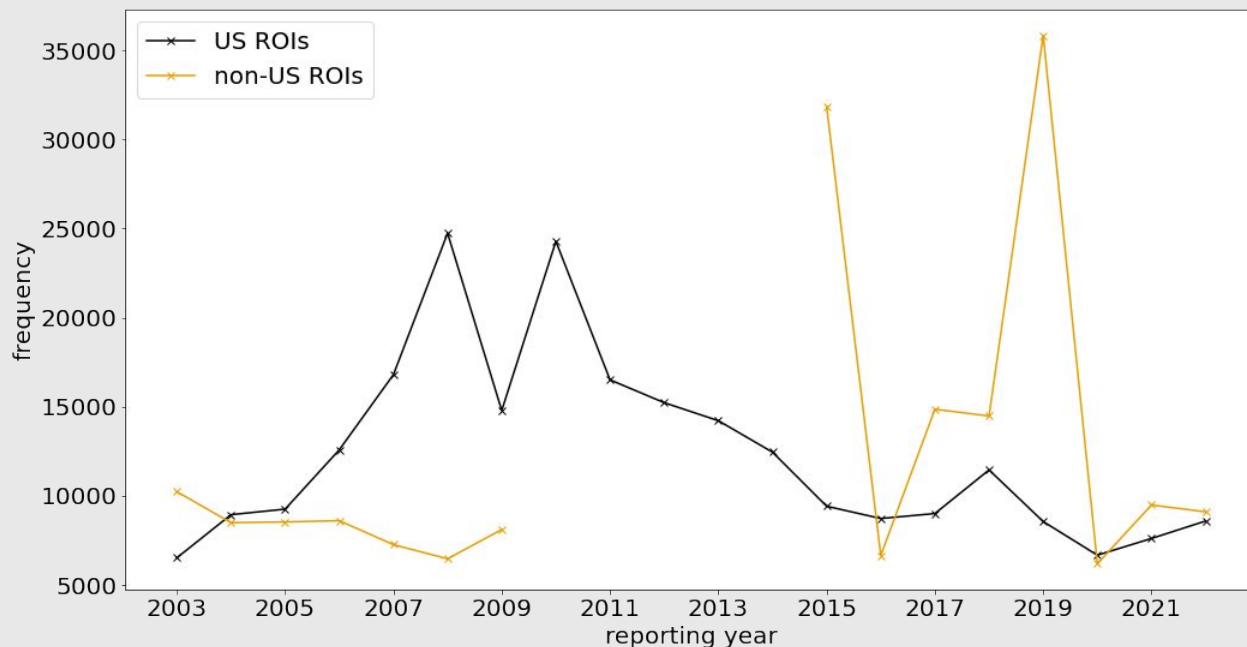
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**observation:**  
ROIs for non-US  
personas  
become more  
common

# transparency reports: cross-comparison

summing NSL bands:

	<b>2022</b>	<b>2023</b>
<b>Company 1</b>	0-250	<b>250-500</b>
<b>Company 2</b>	0-500	0-500
<b>Company 3</b>	500-1000	500-1000

# transparency reports: cross-comparison

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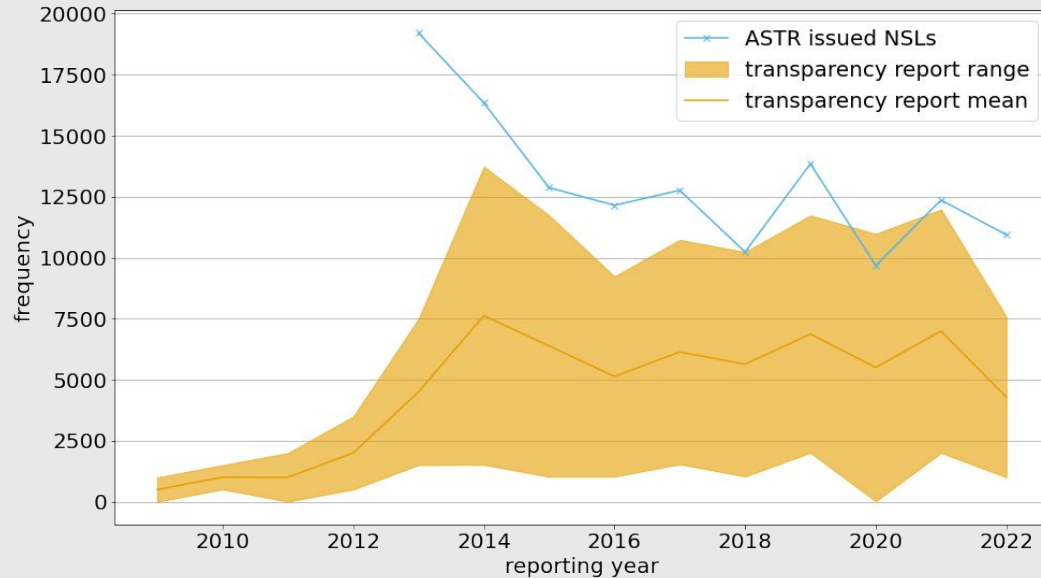
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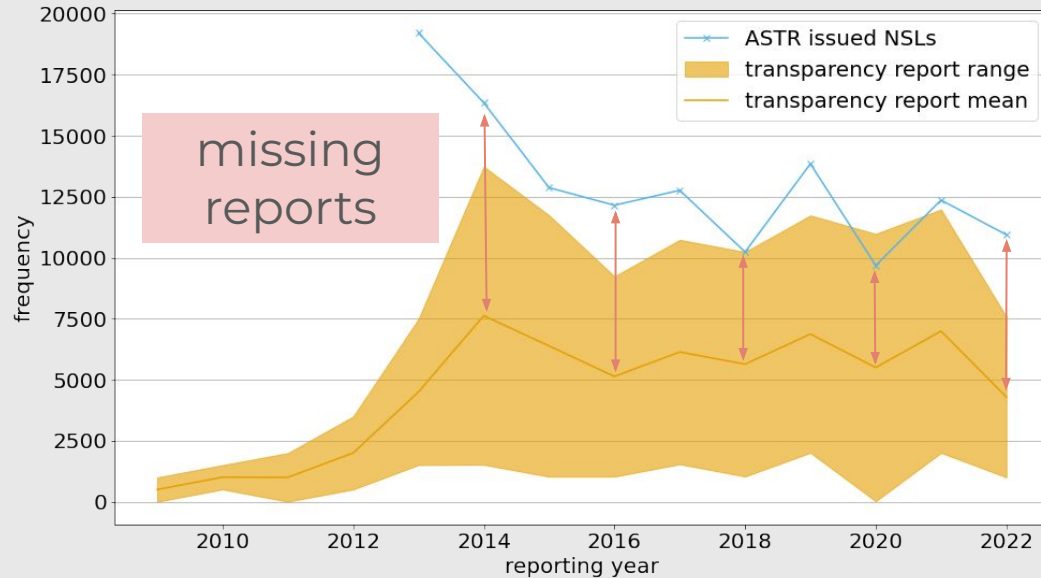
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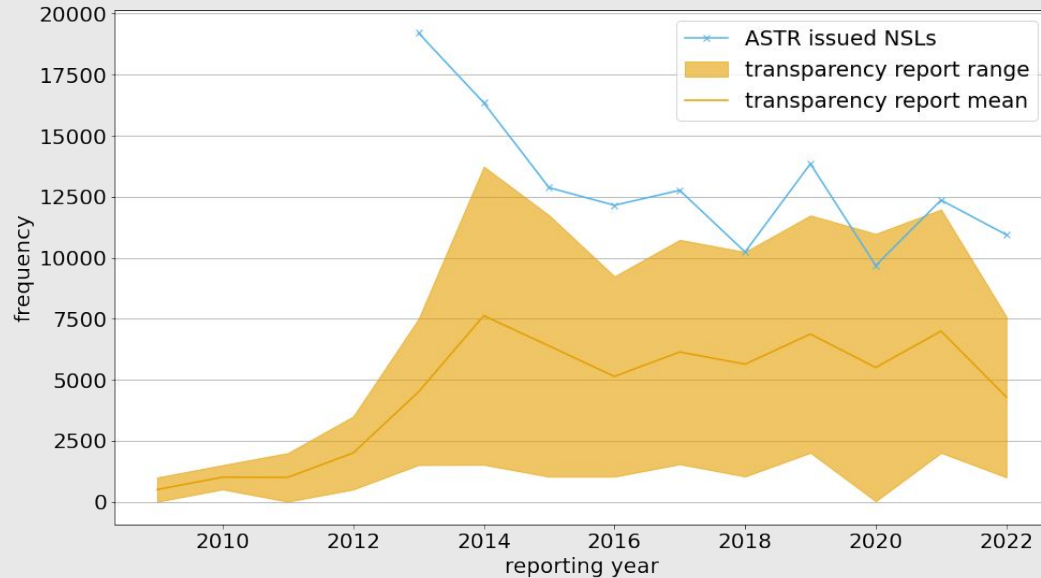
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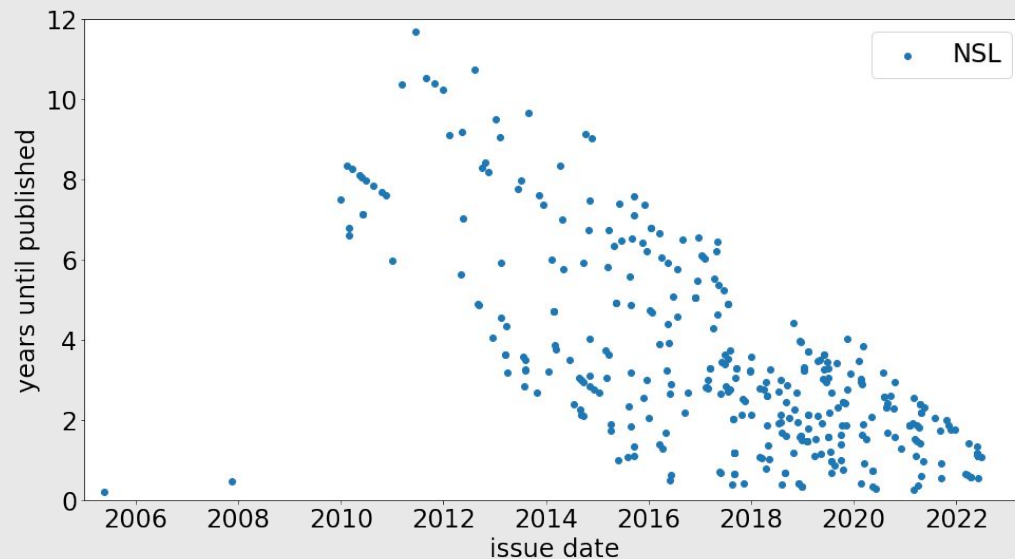
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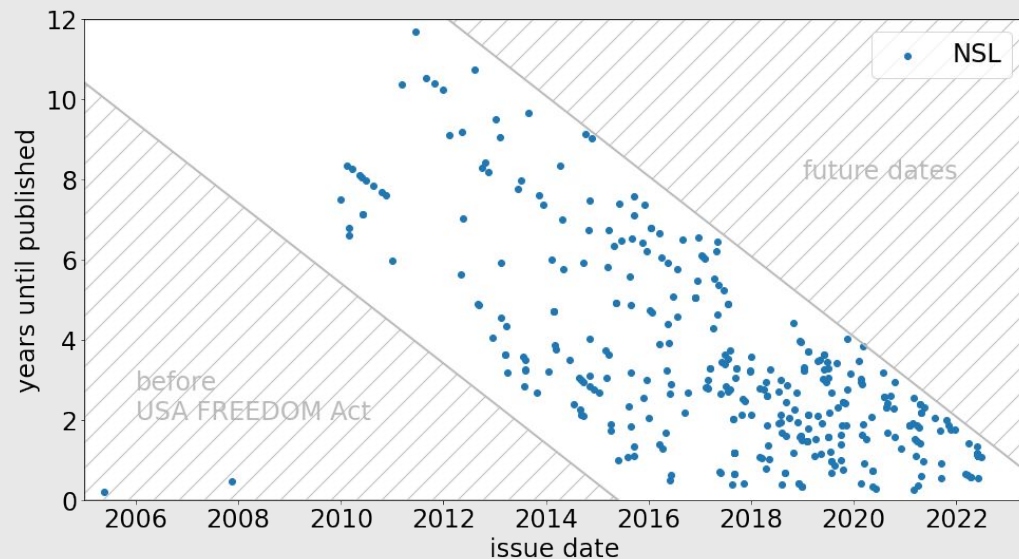


**observation:**  
after 2013, the  
transparency report  
mean correlates with  
the ASTR numbers  
(Pearson coeff: 0.77)

# NSL letters: gag order time



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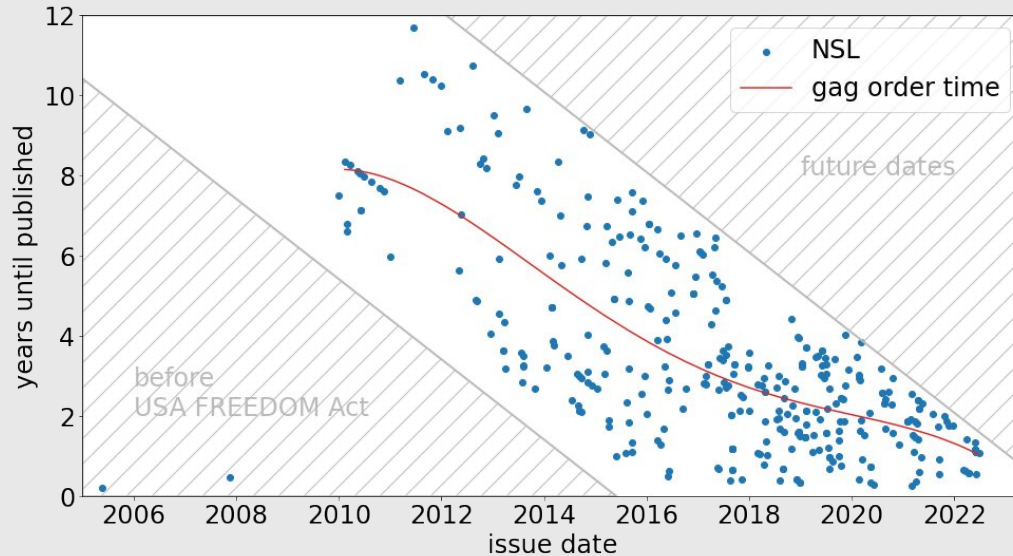


## observation:

NSLs published after the  
USA FREEDOM Act

# NSL letters: gag order time

gag order time  $\approx$   
publication data – issuance data



## **observation:**

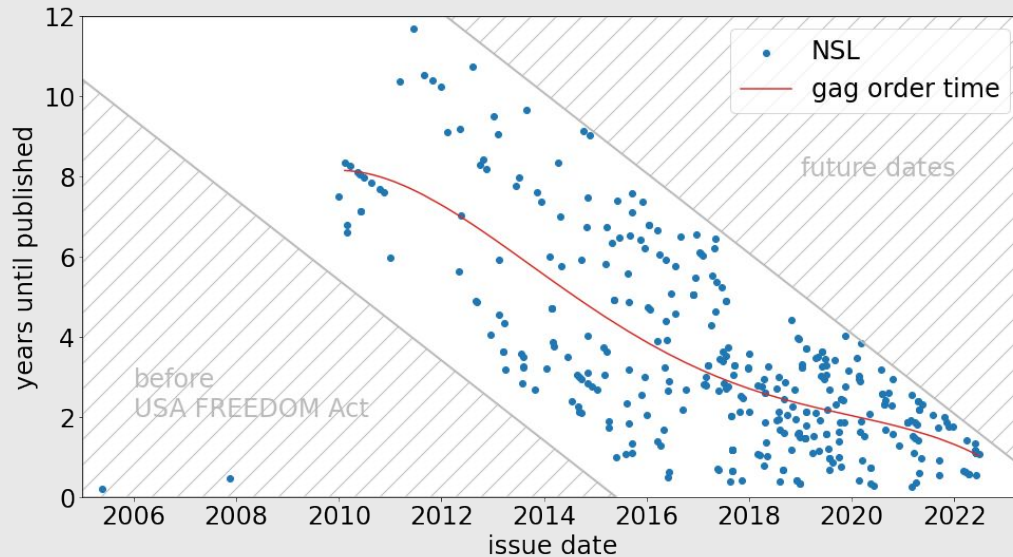
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## **observation:**

decreasing gag order times

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## observation:

NSLs published after the  
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## observation:

decreasing gag order times

## caveat:

unknown distribution of  
99.7% of NSLs; bias towards  
short gag order times



conclusion



# Empirical Analysis of NSLs

- our unified NSL data set enables analysis

unified NSL data set:



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- moving forward: publish structured data
  - cf. [Government datasets that facilitate innovation](#) by Joe Calandrino and Harlan Yu. March 2010.

unified NSL data set:



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paper:



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- audience: talk to us!
  - impact and position in the legal space
  - questions about NSLs interesting to legal scholars

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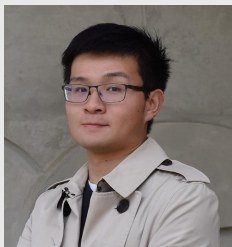


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- two authors are at CSLAW:



Enze "Alex"  
Liu



Miro  
Haller

unified NSL data set:



paper:

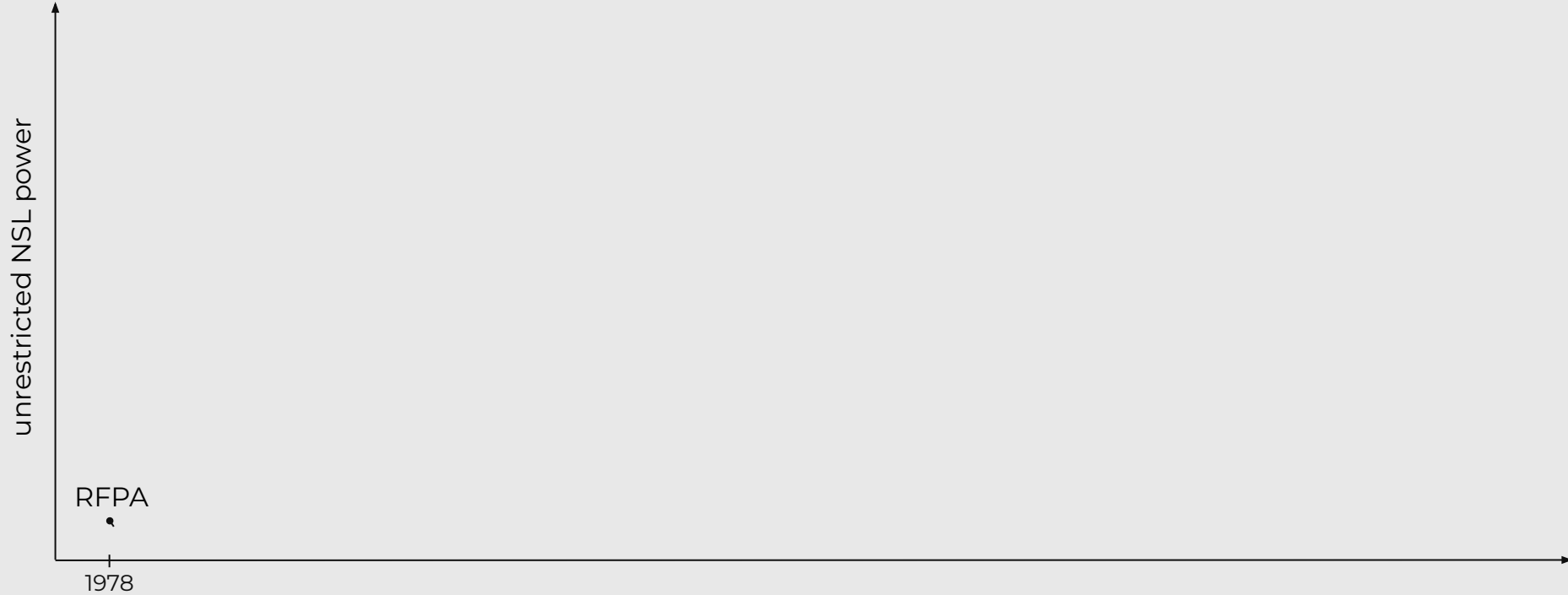




Backup Slides

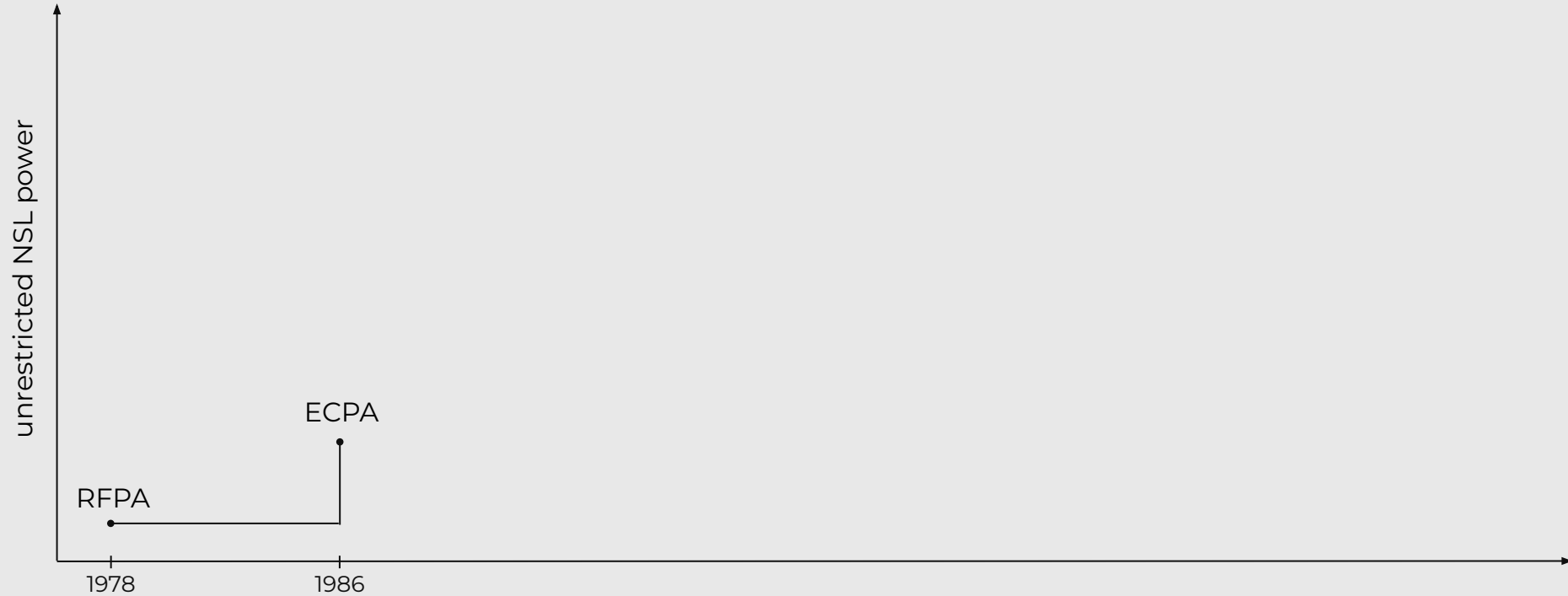
# legal history of NSLs

# development of NSL capabilities over time

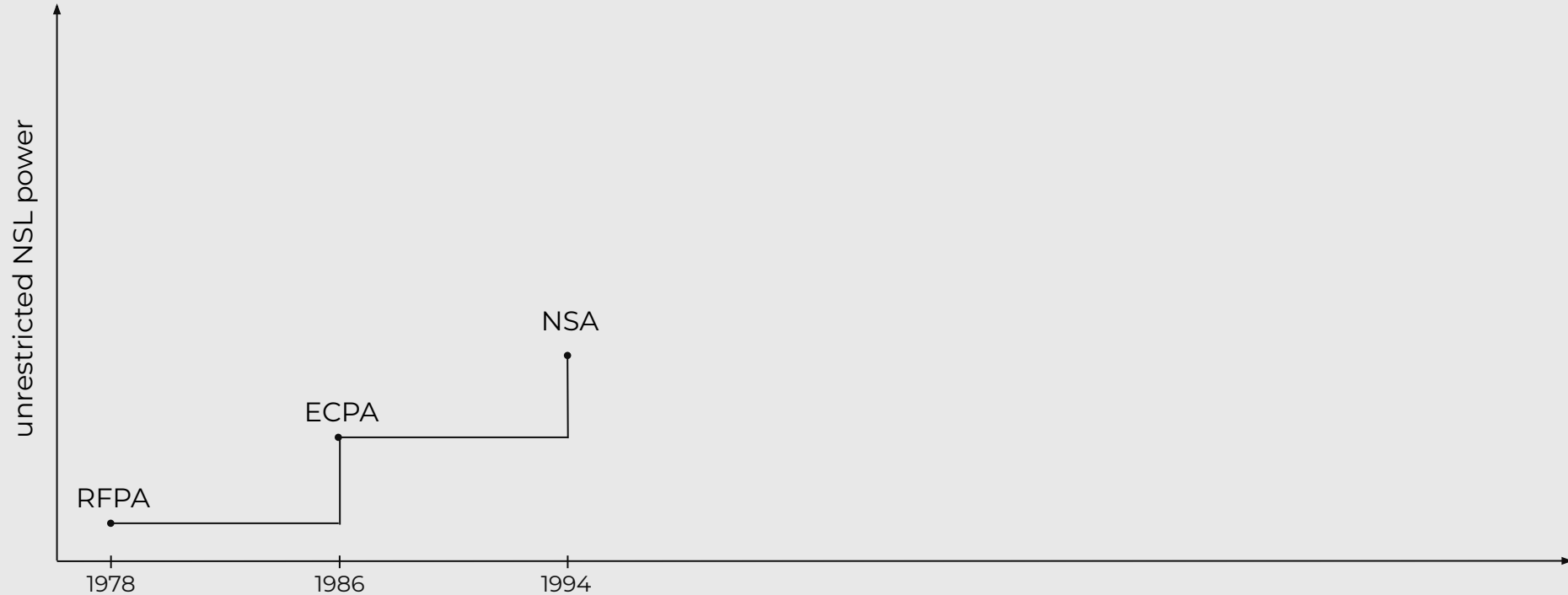




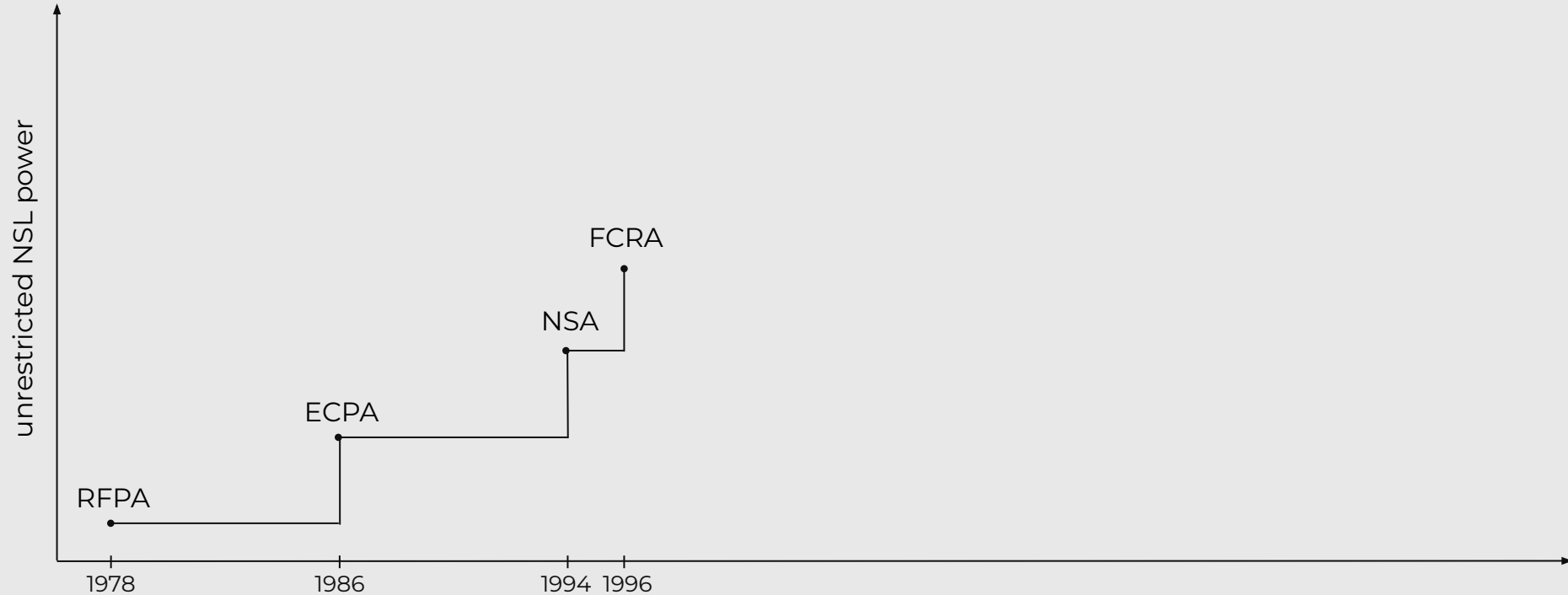
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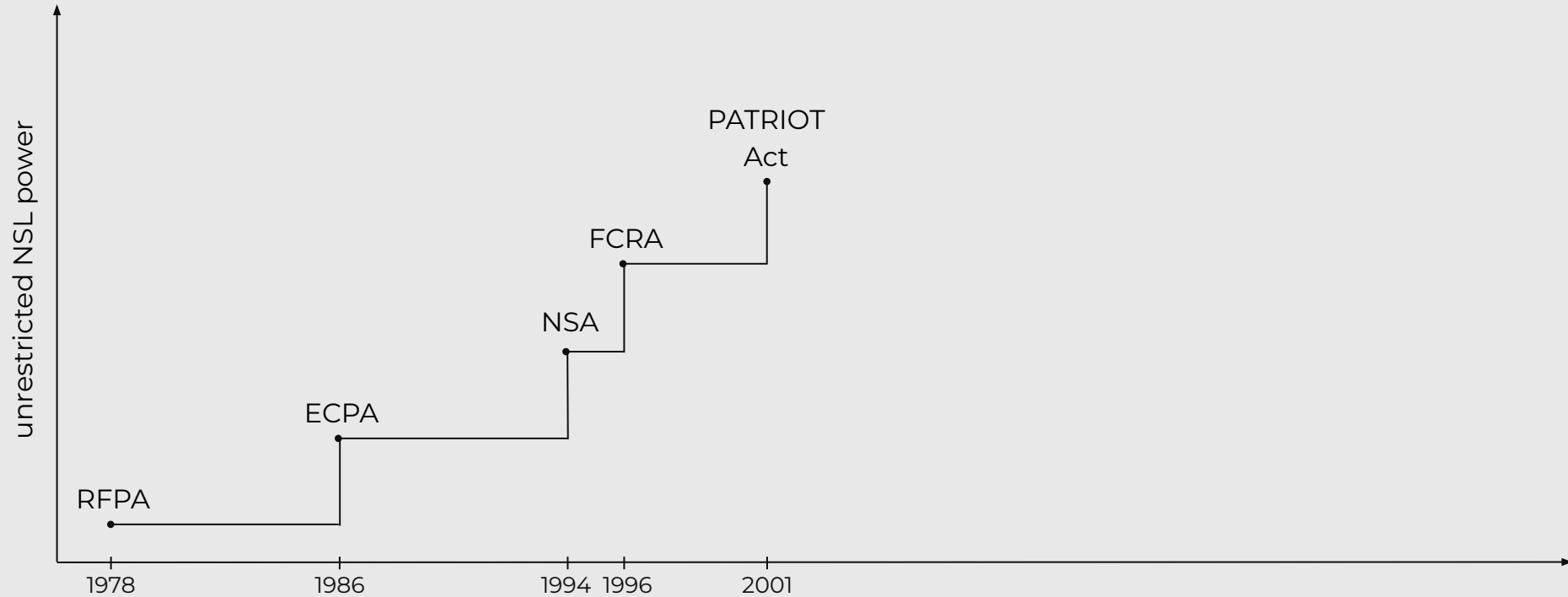
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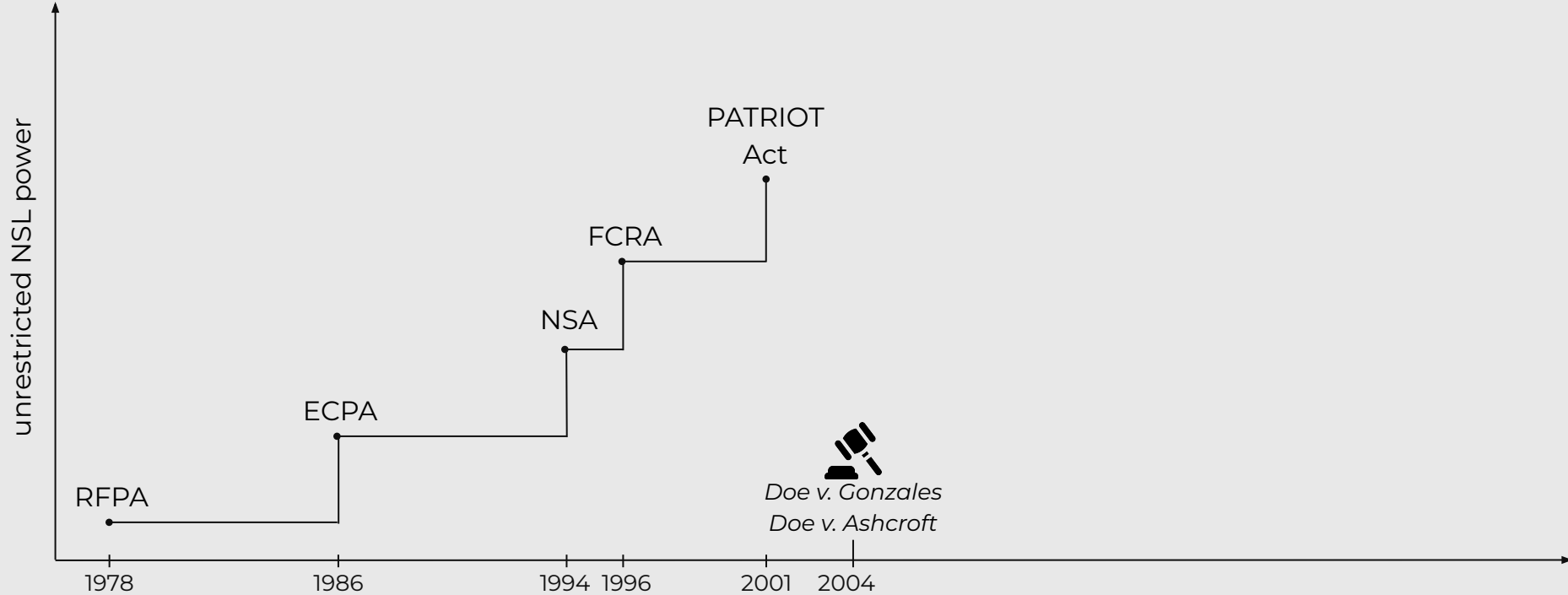
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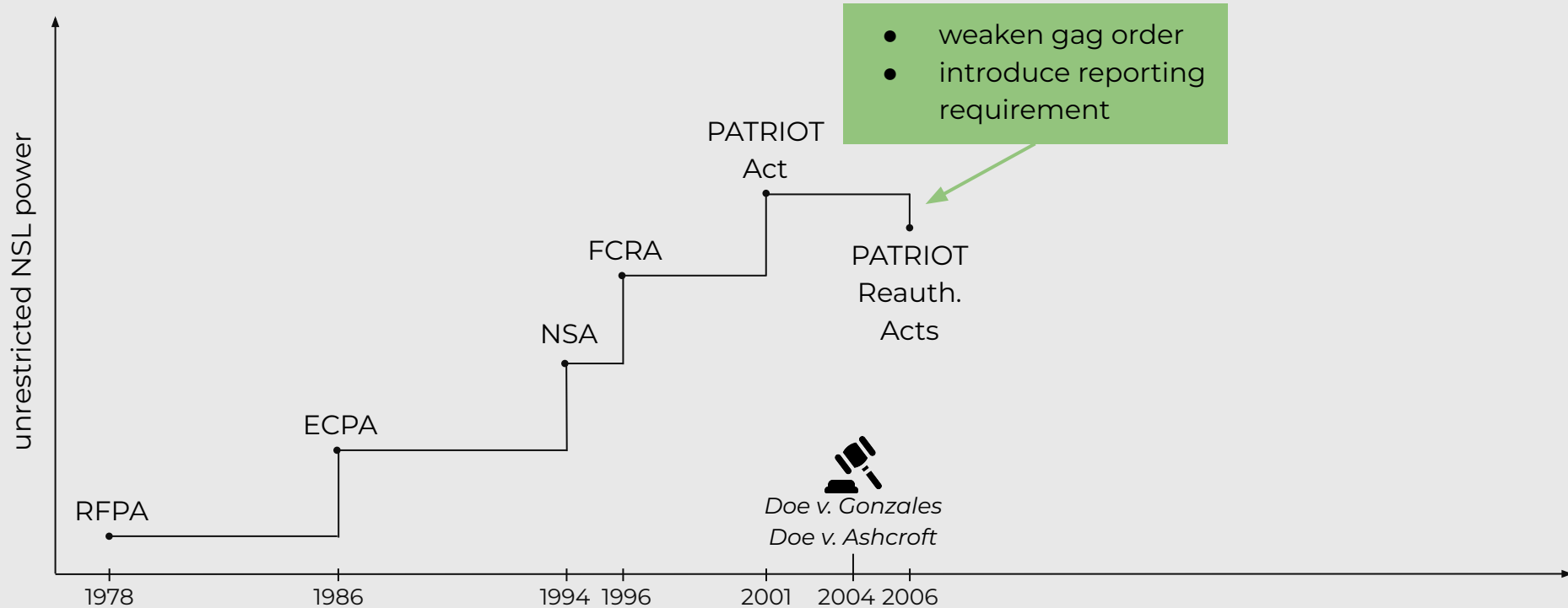
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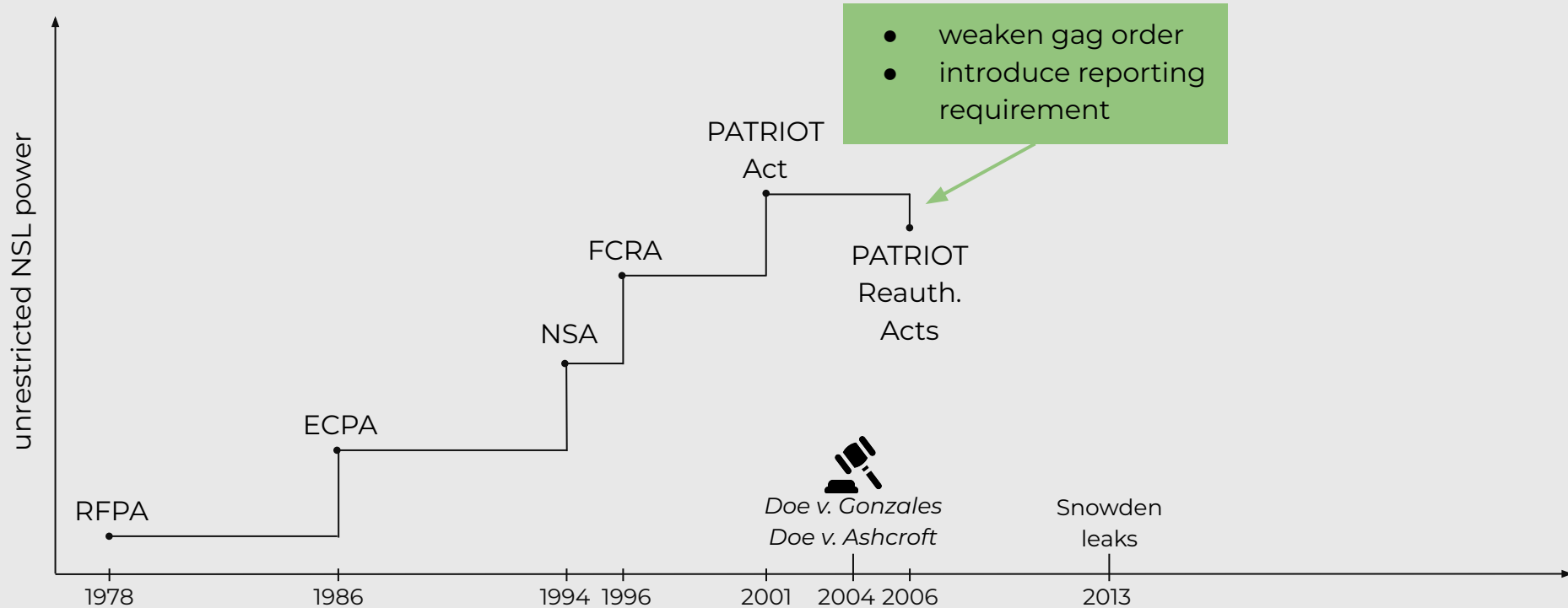
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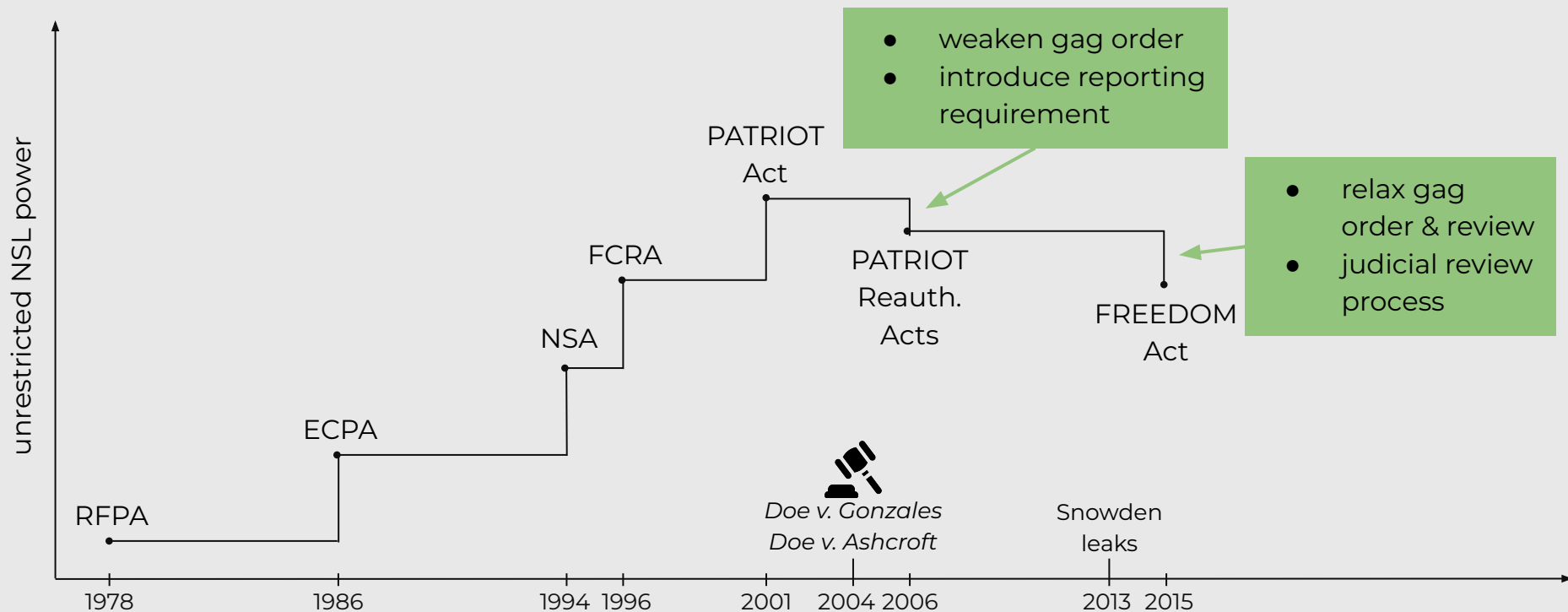
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# Requests for Information (ROI)

