Cell phone companies see spike in surveillance requests

Jasmin Melvin, Reuters

(Reuters) - Mobile phone carriers received more than 1.3 million requests last year from U.S. law enforcement agencies for their customers' phone records and the requests are on the rise, according to data gathered as part of a congressional inquiry into cell phone surveillance.

Representative Edward Markey released data on Monday from nine wireless carriers revealing the number of requests in 2011 for cell phone records. Neither law enforcement nor companies are required to report such requests, making the inquiry and release of information from the companies the first public accounting of law enforcement's use of cell phone surveillance.

Markey, a Massachusetts Democrat, sent letters to nine wireless carriers last month asking for information on the volume and scope of the requests after The New York Times reported in April that cell phone tracking had become a common practice for police with little or no oversight.

Verizon Wireless, a joint venture of Verizon Communications Inc and Vodafone Group Plc; AT&T Inc; Sprint Nextel Corp; T-Mobile USA, a unit of Deutsche Telekom AG; MetroPCS Communications Inc; C Spire Wireless; Cricket Communications Inc, TracFone, a unit of Mexico's American Movil, and U.S. Cellular responded to Markey's inquiry.

According to the data, No. 1 U.S. carrier Verizon Wireless reported an average spike in requests of about 15 percent a year over the last five years, with around 260,000 requests last year. No. 4 carrier T-Mobile USA said it has seen a 12 percent to 16 percent increase each year, but it did not provide the number of requests it received annually.

"We cannot allow privacy protections to be swept aside with the sweeping nature of these information requests, especially for innocent consumers," said Markey, a senior member of the House Energy and Commerce Committee. "Law enforcement agencies are looking for a needle, but what are they doing with the haystack?"

The companies said they maintain teams to deal with the requests, and said they only release the information when ordered by subpoena or if law enforcement officials certify there is an emergency involving danger of death or serious physical injury.

The Computer and Communications Industry Association, a tech industry trade group, said it was concerned that the growing government demand for user information was coming less from warrants that require a judge's approval and

more from subpoenas without oversight.

The group, which includes Google Inc, Facebook Inc, Sprint Nextel and Microsoft Corp called on lawmakers on Monday to overhaul the Electronic Communications Privacy Act to expand full warrant protections to online and mobile content and to location information.

"As access to our wireless data gets easier to obtain by government, and we move to using communications methods that don't involve voice such as email and text messaging, there is less reason for them to go through the process of getting a wiretap warrant," CCIA attorney Ross Schulman said in a blog post.

AT&T said in its letter to Markey that 0.25 percent of their wireless subscribers would have been affected by law enforcement requests last year, assuming each request was for a different customer. This was up from 0.18 percent in 2007. AT&T's data included instances where it provided information for 9-1-1 call respondents while Verizon's did not.

AT&T said it has 100 full-time employees to review and respond to law enforcement requests.

Verizon said in its response to Markey that it has a dedicated team of roughly 70 employees, and staffs the legal team 24 hours a day, seven days a week.

Sprint employs a team of 36 analysts who receive and review court orders for wiretaps and trace devices and an additional 175 analysts to respond to court orders for subscriber information, it said in a letter to Markey.

T-Mobile also told Markey that it has a dedicated "law enforcement relations" team that works closely with its legal department and privacy team.

The Obama administration is looking for ways to give consumers more control over personal information while surfing the Internet on laptops and mobile phones.

(Reporting by Jasmin Melvin; Additional reporting by Sinead Carew [1] in New York; Editing by Jeffrey Benkoe)

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