

# WHY ISN'T DOJ COMPLAINING ABOUT APPLE'S COOPERATION WITH POLICE STATES LIKE SOUTH KOREA ... OR THE US?

There was lots that was nasty in yesterday's DOJ brief in the Apple vs FBI case. But I want to look at this claim, from DOJ's effort to insinuate Apple is resisting doing something for the US government it has already done for China.

Apple suggests that, as a practical matter, it will cease to resist foreign governments' efforts to obtain information on iPhone users if this Court rules against it. It offers no evidence for this proposition, and the evidence in the public record raises questions whether it is even resisting foreign governments now. For example, according to Apple's own data, China demanded information from Apple regarding over 4,000 iPhones in the first half of 2015, and Apple produced data 74% of the time.

There are a bunch more claims in the paragraph, that I expect Apple will address in its reply. But in this passage, DOJ suggests that Apple is doing something nefarious by providing the government of a country of over 1.3 billion people access to information from 4,000 Apple devices.

Omigosh! 4,000 phones!! That's an unbelievable amount of cooperation with a repressive state!!!

Here's the section of Apple's transparency report from which DOJ gets the numbers.

| Country                  | Total Number of Law Enforcement Device Requests Received | Number of Devices Specified in the Requests | Number of Device Requests Where Some Data Was Provided | Percentage of Device Requests Where Some Data Was Provided |
|--------------------------|----------------------------------------------------------|---------------------------------------------|--------------------------------------------------------|------------------------------------------------------------|
| Latin America            |                                                          |                                             |                                                        |                                                            |
| Brazil                   | 26                                                       | 437                                         | 22                                                     | 85%                                                        |
| Panama                   | 1                                                        | 1                                           | 0                                                      | 0%                                                         |
| Latin America Total      | 27                                                       | 438                                         | 22                                                     | 81%                                                        |
| Asia Pacific             |                                                          |                                             |                                                        |                                                            |
| Australia                | 2986                                                     | 4332                                        | 1777                                                   | 60%                                                        |
| China                    | 1129                                                     | 4398                                        | 841                                                    | 74%                                                        |
| Hong Kong                | 525                                                      | 908                                         | 345                                                    | 66%                                                        |
| Japan                    | 234                                                      | 488                                         | 136                                                    | 58%                                                        |
| New Zealand              | 286                                                      | 342                                         | 186                                                    | 65%                                                        |
| Singapore                | 1712                                                     | 2565                                        | 862                                                    | 50%                                                        |
| South Korea              | 154                                                      | 37565                                       | 85                                                     | 55%                                                        |
| Taiwan                   | 36                                                       | 37                                          | 13                                                     | 36%                                                        |
| Thailand                 | 6                                                        | 6                                           | 4                                                      | 67%                                                        |
| Asia Pacific Total       | 7068                                                     | 50641                                       | 4249                                                   | 60%                                                        |
| USA                      |                                                          |                                             |                                                        |                                                            |
| United States of America | 3824                                                     | 9717                                        | 3093                                                   | 81%                                                        |
| Canada                   |                                                          |                                             |                                                        |                                                            |
| Canada                   | 25                                                       | 134                                         | 17                                                     | 68%                                                        |

As you can see, China has asked for data from roughly the same number of devices as Australia, a country with 2% of China's population (and a much smaller market for iPhones; though China's number is higher if you include Hong Kong). By far the biggest snoop into citizens' devices is South Korea (with a population of just over 50 million), which has asked for data on 37,565 devices.

And if providing a government information on devices is a sign of tyranny, then the DOJ better start worrying about ... the US, which asked for information from more than twice as many phones as China in the same period, and which got compliance more often.

In truth, this is a bullshit metric, attacking responses to legal process from China as a kind of red-bashing, while ignoring the much greater data grab that our ally South Korea makes. It says nothing about special cooperation Apple has given China.

That doesn't mean Apple hasn't made such cooperation, but DOJ's use of such a stupid number ought to raise real questions about the rest of it.