

Federal Government May Have Spied on Your Yahoo Account

By Sheila Tabrizi, J.D. Candidate 2018 | October 19, 2016

On Tuesday, October 4, 2016, [Reuters](#) revealed that Yahoo secretly scanned user emails for the federal government in 2015. Anonymous former Yahoo employees alleged that members of either the National Security Agency or Federal Bureau of Investigation issued a [warrant](#) under Section 702 of the Foreign Intelligence Surveillance Act (FISA), asking Yahoo to create software to search key words and/or phrases of user emails as part of an ongoing government investigation. Shortly after, Yahoo created a syphoning system by which the government could tap into user emails in real time and search for specific character strings that they believed were connected to national security threats. Yahoo has not denied these allegations.

Yahoo's alleged compliance has been alarming not only to consumers but to corporations as well. Tech giants including [Apple, Facebook, and Google](#) said they have never received such a request but if they had, they would have not complied with it. Corporations are concerned with possible violations of the Fourth Amendment and the urgent need for Congress to reform Section 702 of FISA - which expires on December 23, 2017.

Despite these legal concerns, Yahoo may not have had legal grounds to contest the court order. Under the 2008 amendments to FISA, the government may use electronic [access](#) to monitor suspects of terrorism outside of the United States. Furthermore, searching mass emails for a keyword is tantamount to the legally permissible [bulk collection](#) from phone carriers. Finally, the risk of losing money from a lengthy and expensive legal battle against the federal government may have been particularly unappealing to Yahoo considering their recent financial hardships.

The confusion regarding the legal means used by the federal government may soon be addressed by Congress. In a letter written on October 14, 2016, a bipartisan group of 48 House members [asked Congress to brief](#) them regarding the legality behind the government's probe into Yahoo's emails.