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**TechTalk**

## Apple vs. the FBI ©

*by John McCarthy*

Hi and a very warm welcome once again to TechTalk. Now, what could potentially have been one of the most interesting legal hearings of 2016 was postponed last week by a judge in America. At stake: the future of data encryption, the individual's freedom to privacy and whether the two are compatible. In one corner, Tech behemoth and the world's most valuable company, Apple; in the other arguably the world's most famous law-enforcement agency, the FBI.

The controversy began on February 16th when a federal court ordered Apple to help the FBI unlock an iPhone which had been used by one of the attackers who'd murdered 14 people in a terrorist attack in California last December. The crux of the issue is that rather than use tools at its disposal to hack into the iPhone in question, the FBI opted to set a precedent that would force companies such as Apple to assist with similar investigations in the future. This led to an argument on semantics and the plea for a legal decision on whether private data really was private. Obviously, for the FBI and the National Security Agency victory would have meant a new age of Eldorado, where they would be entitled have access to any data they desired, while for the common man, defeat would have been considered as a Big Brother-type dystopia where governments would have every right to spy on their citizens.

All this against a backdrop of suspicion and recriminations, as you may recall that revelations two years ago from ex-US National Agency contractor Edward Snowden of mass US surveillance programmes caused a political uproar in Europe, and indeed since then the EU has been fighting for stricter controls over US snooping powers and practices. In the data transfer pact agreed last February, the European Commission said that the new Privacy Shield hammered out in negotiations would place stronger obligations on American companies to protect Europeans' personal data.

Many companies have come out in support of Apple, and these include Amazon, Cisco, Dropbox, Facebook, Google and Mozilla to name just a few. They've all stressed that governments could easily target companies with similar demands in the future. As a

result, some apps may be made even more secure as a direct consequence of the FBI's public battle with Apple, and this of course means that even if the Bureau is empowered to force smartphone vendors to unlock their wares in future, it could prove impossible to recover any data contained in the apps on the phones. There are reports that Apple is even considering locking itself out of its own iPhone Operating Systems in future.

Privacy advocates and civil liberties groups were dragged into this dispute and the quandary of protecting the country from terrorist attacks while safeguarding rights to privacy. In a recent survey, 42% of Americans wanted Apple to cooperate, while 47% said that it would be a bad idea to divulge its encryption secrets. Should America suffer similar carnage to that already witnessed in Paris, Ankara, Brussels and Istanbul, just to name a few scenes of recent terrorist atrocities, then perhaps the tide of public opinion may turn against Apple. But the entire matter has been put on hold because one day before the eagerly anticipated court hearing, Federal prosecutors asked for a delay as the FBI believes that it's found someone who can unlock the contentious phone. It could be that the case has somehow been miraculously settled, but the bigger issues concerning privacy appear to be more confused than ever and still very much at large. Even if the FBI succeeds in breaking into the iPhone, it will only be a pyrrhic victory.