



6 March 2025

Attn: The Rt Hon Yvette Cooper MP
Home Secretary
Home Office
2 Marsham Street
London SW1P 4DF

via email: public.enquiries@homeoffice.gov.uk

Re: Technical Capability Notices

Dear Home Secretary,

Further to our joint letter regarding the existence of a secret Technical Capability Notice on 20 February 2025, we are writing to address recent developments culminating in Apple withdrawing its Advanced Data Protection ('ADP') services for UK users, and lodging a complaint with the Investigatory Powers Tribunal. For the following reasons, we believe the Government's position of refusing to confirm or deny the existence of the Technical Capability Notice or acknowledge Apple's appeal is untenable and violates principles of transparency and accountability.

1. There have been extensive media reports from highly reputable sources, including the Washington Post[1], the Financial Times[2], Forbes[3] and the BBC[4] about the existence of the Technical Capability Notice. The Financial Times has also reported that around the time of withdrawing its ADP services to UK users, Apple launched a legal complaint to the Investigatory Powers Tribunal, appealing against the imposition of the Technical Capability Notice[5].
2. On 21 February 2025 Apple made a statement declaring that its ADP feature, which was reportedly the target of the technical capability notice referred to above, would 'no longer be available to British customers'[4].

Apple's actions are only compatible with the reporting referred to above being correct. Apple continues to offer its ADP service in other countries and on its website states: 'we have never built a backdoor or master key to any of our products or services and never will'[6].

3. The wide international reporting, including comments made by the President of the United States of America, Donald Trump^[3], and Apple's withdrawal of ADP services in the UK^[4] have rendered continued secrecy regarding the existence of the technical capability notice moot and untenable. It seems without purpose to maintain the assertion that the Technical Capability Notice doesn't exist. Anyone who might intend to use ADP for an improper purpose will now be aware of the possibility of the Technical Capability Notice and adapt their behaviours accordingly. Furthermore, Apple have taken technical measures and disabled the ability for their customers to enable ADP services in the United Kingdom.
4. In these circumstances, the principles of transparency and accountability require the Home Office to confirm the existence of the Technical Capability Notice, provide details of Apple's complaint to the Investigatory Powers Tribunal, and commit to keeping the hearing of Apple's case as open and public as possible. A failure to commit to transparency in this way will undermine the public's ability to consider whether the Home Office's proposals are lawful, proportionate and secure, and allow those affected to challenge the Technical Capability Notice on these bases.
5. We have sent a copy of this letter to Apple.
6. An order to defeat encryption is likely to have adverse effects on security for users worldwide, and is a matter of the highest public interest. If upheld, such an order would reduce the protection UK companies and individuals have against hacking and exfiltration of data as use of lawful access mechanisms are a well-known means by which systems become insecure and vulnerable. Of particular concern is the increased risk posed by nation-state actors and Advanced Persistent Threats such as Salt Typhoon. Salt Typhoon has historically targeted known vulnerabilities in telecommunications networks to gain access to sensitive communications. Creating the lawful access mechanism sought by the purported Technical Capability Notice may provide groups like Salt Typhoon with a new tool to exploit to their advantage.
7. We believe a neither-confirm-nor-deny response is unjustified due to the public availability and awareness of the Technical Capability Notice and the acknowledgement of the notice's existence by the President of the United States^[2].

8. We request a response as soon as possible, and in light of the potential proximity of Apple's case in the Investigatory Powers Tribunal, no later than 5 working days from receipt of our letter. A delayed response will further obstruct the robust public discussion required of these important matters.

9. If you do not admit the existence of the Technical Capability Notice and disclose its terms, we will invite the Investigatory Powers Tribunal to consider the lawfulness of that decision, as well as the substantive lawfulness of the Technical Capability Notice itself.

Yours Sincerely,

Privacy International

Citations:

1. Security officials in the United Kingdom have demanded that Apple create a back door allowing them to retrieve all the content any Apple user worldwide has uploaded to the cloud, people familiar with the matter told The Washington Post.
Source: <https://www.washingtonpost.com/technology/2025/02/07/apple-encryption-backdoor-uk/>
2. Asked about the Apple incident, Trump said he'd told the Prime Minister that the UK couldn't do this, saying:
'We told them you can't do this... We actually told him [Starmers]... That's incredible. That's something, you know, that you hear about with China.'
Source: <https://www.ft.com/content/41edae4b-0b04-4c43-8300-ad6ef9de0711>
3. Tulsi Gabbard has said she has "grave concerns about the serious implications of the United Kingdom, or any foreign country, requiring Apple or any company to create a 'backdoor' that would allow access to Americans personal encrypted data."
Source: <https://www.forbes.com/sites/zakdoffman/2025/02/28/trump-slams-apples-iphone-security-nightmare-you-cant-do-this/>
4. In a statement Apple said it was "gravely disappointed" that the security feature would no longer be available to British customers.
"Enhancing the security of cloud storage with end-to-end-encryption is more urgent than ever before," it said.
"Apple remains committed to offering our users the highest level of security for their personal data and are hopeful that we will be able to do so in future in the UK."
Source: <https://www.bbc.co.uk/news/articles/cgj54eq4vejo>
5. Apple is [...] by filing a legal complaint that it hopes will overturn the order.
The iPhone maker has made its appeal to the Investigatory Powers Tribunal
Source: <https://www.ft.com/content/3d8fe709-f17a-44a6-97ae-f1bbe6d0dccc>
6. "Apple can no longer offer Advanced Data Protection in the United Kingdom to new users"
Source: <https://support.apple.com/en-us/122234>