

GNI Statement on the Reauthorization of Section 702 of the U.S. Foreign Intelligence Surveillance Act

The Global Network Initiative (GNI) is concerned about the possibility that legislators may miss another opportunity to enact meaningful privacy-protecting reforms as part of the impending reauthorization of Section 702 of the U.S. Foreign Intelligence Surveillance Act (FISA). GNI urges Congress to include meaningful legal limits, robust judicial oversight, and effective protections against misuse in Section 702's reauthorization to protect the Constitutional and legal rights of U.S. persons, uphold U.S.'s treaty obligations including towards non-U.S. persons, and demonstrate how democracies can balance security needs with rights protections.

GNI shares the concerns that [many other](#) civil liberties organizations and [tech companies](#) have raised about the current framework, including the absence of a warrant requirement for certain queries, the scope of data collection and retention, and the expansion of entities subject to surveillance obligations. Reauthorization should be accompanied by meaningful reforms, in order to address [documented abuses](#) affecting protesters, journalists, lawmakers, and other individuals exercising their fundamental rights.

While these issues have been widely discussed in the U.S. domestic context, the implications of Section 702 extend far beyond U.S. borders. By design, Section 702 authorizes the collection of communications involving non-U.S. persons located abroad, often through compelled assistance from companies that operate globally. As a result, individuals around the world may have their communications collected without sufficient safeguards and meaningful transparency. GNI acknowledges that a state may provide its citizens and those within its borders protections that go beyond what is required under international human rights law. Consistent with this, important safeguards against arbitrary or unlawful interference with privacy apply to all U.S. surveillance activities and to all persons, regardless of location or citizenship, in line with U.S. commitments under the International Covenant on Civil and Political Rights.

The global impact of Section 702 is particularly significant in light of broader trends in surveillance governance. Governments around the world are expanding their surveillance authorities, often in ways that raise serious concerns about necessity, proportionality, and oversight. GNI has previously expressed concerns regarding surveillance frameworks in many other countries, including the United Kingdom (e.g. the [Investigatory Powers \(Amendment\) Bill](#)) and India (e.g. the implementation of the [Puttaswamy ruling](#), the [Digital Personal Data Protection Bill 2023](#), and [Section 69 of the Information Technology Act 2000](#)), as well as

regulatory regimes in countries such as [France](#), [Germany](#), and [Brazil](#). These developments reflect a larger/wider global trajectory toward expanding state access to data, often with insufficient safeguards. The United States can help protect all persons within its borders from foreign surveillance by modeling a rights-respecting approach to surveillance that reinforces, rather than undermines, global standards for privacy and freedom of expression.

Section 702 also has direct implications for cross-border data flows and the global digital economy. Legal challenges in the European Union have [highlighted concerns](#) that U.S. surveillance authorities do not sufficiently limit collection to what is necessary and proportionate, nor provide adequate mechanisms for redress. While [subsequent arrangements](#) through the EU-U.S. Data Privacy Framework have sought to address these concerns, questions remain about the durability of these frameworks in the absence of legislative reform. Codification of the legitimate objectives and prohibited uses for FISA 702 collection that are already being implemented by the U.S. government through Executive Order 14086, as well as freeing tech companies to provide additional transparency about FISA 702 collection are among the reforms that would reinforce the durability of these frameworks.

GNI is also [concerned](#) about the growing use of commercially available data to supplement government surveillance activities. The ability of public authorities to obtain sensitive personal data – such as location information or online activity – through data brokers, rather than through legal processes subject to judicial oversight, risks circumventing established safeguards. GNI has previously [highlighted](#) the need to address this issue, noting that such practices can expand the scope of surveillance in ways that are opaque, difficult to challenge, and inconsistent with established legal protections.

More broadly, the continued reliance on large-scale data collection models, in which significant volumes of information are gathered and later queried, raises important questions about alignment with internationally recognized human rights principles. Standards such as necessity, proportionality, and legality require that surveillance be targeted, limited in scope, and subject to effective oversight. Where surveillance frameworks enable broad collection with limited ex ante constraints, the risk of overreach increases, particularly in cross-border contexts where affected individuals may lack visibility or recourse.

The reauthorization of Section 702 therefore carries implications not only for individuals in the United States, but also for people, companies, and governance frameworks around the world. At a time when governments are actively shaping the future of digital regulation and

cross-border data governance, decisions about surveillance authorities will influence global norms, legal interoperability, and trust in the digital ecosystem.

GNI believes that this moment presents an important opportunity for the United States to demonstrate leadership in aligning national security practices with democratic values and international human rights standards. Ensuring that surveillance authorities are subject to clear legal limits, robust oversight, and meaningful safeguards will be essential not only for protecting individual rights, but also for sustaining trust in the global digital environment upon which users, companies, and societies increasingly depend.

About GNI

The Global Network Initiative is a multistakeholder organization of technology companies, civil society groups, academics, and investors working to advance freedom of expression and privacy in the technology sector. GNI develops [principles](#) and [guidance](#) to help companies respond to government demands for user data and content in ways that respect human rights, and advocates for legal frameworks that include strong safeguards, oversight, and transparency. GNI has been actively engaged on [surveillance reform](#), including U.S. authorities such as Section 702 of FISA, as well as comparable frameworks globally, emphasizing the need for necessity, proportionality, and accountability in government access to data.