

U.S. Rep. Fitzgerald: Passage of H.R. 7072 Non-Disclosure Order (NDO) Fairness Act

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WASHINGTON, DC – Today, a bill co-introduced by Congressman Scott Fitzgerald (WI-05), H.R. 7072, the Non-Disclosure Order (NDO) Fairness Act, was passed in the U.S. House of Representatives by a voice vote. This bipartisan legislation reins in prosecutorial abuse and executive branch overreach by strengthening the standards prosecutors must meet when seeking to place NDOs on service providers.

It will prevent federal prosecutors from hiding their sweeping requests behind lengthy gag orders or blocking interested parties from knowing when the government is looking through their data.

“We live in a technological age that has given the government easy access to personal e-mail and phone records without adequate protections for individuals being investigated. The legal protections available to Americans fail to provide a meaningful check against the government when it demands your data,” **said Congressman Fitzgerald.** *“With the DOJ targeting parents for expressing their concern with their children’s curriculum, this is a necessary piece of legislation to enforce constitutional protections for Americans who face federal surveillance.”*

Read the bill [here](#).

BACKGROUND

The legal protections currently available to Americans fail to provide a meaningful check against the government when it demands your data from entities such as a third-party cloud provider. Under current law, prosecutors can request a subject’s

electronic communications data, such as their e-mail and phone records, from a third-party service provider, even when the subject of the search is not suspected of wrongdoing. There is very little opportunity for citizens to challenge such requests because prosecutors silence third-party service providers using non-disclosure orders (NDOs), also known as gag orders, that block them from notifying their customers.