

ACLU seeks to unseal docket in Massachusetts iPhone case

The American Civil Liberties Union of Massachusetts (ACLUM) filed a motion on Tuesday to request that the federal court unseal any docket sheets associated with a government request to unlock an iPhone in Massachusetts. The ACLUM says no formal applications or orders exist in the docket in connection with the government's request, but that it was referenced in a publicly docketed affidavit filed by an FBI special agent. This suggests, the ACLUM claims, that if documents for the request exist, they are held separately in sealed dockets. The motion argues that these should be unsealed because the public has a First Amendment right to access materials relating to criminal proceedings as well as common law right to access judicial documents. ACLUM conducted research with the national ACLU finding over 60 cases in which the government sought assistance from Apple or Google to unlock electronic devices.

This motion was just days after the US Department of Justice (DOJ) dropped its case seeking to compel Apple to assist unlocking the San Bernardino shooter's iPhone, saying the DOJ has accessed the data itself. In February Apple filed a brief in the US District Court for the Central District of California in opposition of the US government's request for the company to unlock the iPhone of San Bernardino shooter, Syed Rizwan Farook. Counsel for Apple called the case "unprecedented" after the DOJ filed a motion to compel Apple to unlock the encrypted iPhone. In response to the legal conflict, Apple asked the US government to create a panel of experts to discuss issues of security versus privacy. These developments came after Apple refused the initial court order to assist the government in unlocking the iPhone from one of the San Bernardino shooters. That court had required Apple to supply software to the FBI to disable a self-destruct feature that erases phone data after 10 failed attempts to enter the phone's password.

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