

EFF

2021 ANNUAL REPORT

The Electronic Frontier Foundation (EFF) is the leading nonprofit organization defending civil liberties in the digital world.



ELECTRONIC FRONTIER FOUNDATION EFF

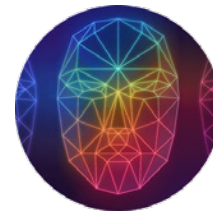
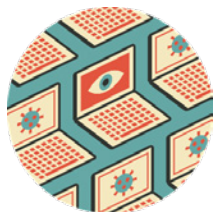


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A Word From Our Executive Director

Dear friends,

In 2021 the world adjusted to the new normal of COVID-19, along with its dramatically increased online communications and continued growth in surveillance. The deep connection between governmental tracking and private, advertising-focused tracking became clear, and the tools to do both of them became more sophisticated and more embedded in our daily lives.

At EFF, we have long recognized both the opportunities and risks of a more online world, and so we were well positioned to envision a better future than the ones pushed by the government or giant corporations.

Thanks to the steadfast support of our members, we continue to meet the challenge of digital rights in the 21st Century. Sometimes the fights are long—such as in our battle against street-level surveillance by companies such as Amazon Ring and technologies like Automated License Plate Readers. Sometimes we must react to fast-breaking external events, as in our largely successful efforts to ensure that virus tracking software respected our privacy, or in our campaign that successfully pressured Apple into dropping a dangerous message-scanning program. Our work encrypting the web continued apace, as did our recognition that cybersecurity requires protecting everyone, including domestic violence victims who are subjected to stalkerware. And that's only scratching the surface.

Flexible financial support from individual members, grants, organizational members, and event sponsorships enables EFF to quickly defend civil liberties in the digital world and continue our long-term investments in legal, tech, and activism strategies.

In 2021, for the first time in a long time, we also heard from you. Sprinkled throughout this report are quotes from the 4,000 responses to our online member survey, where you *affirmed that EFF is a trusted source of information, and that our supporters share our values. You see EFF as making much needed strides globally to protect civil liberties and make the world a better place—now and for future generations.* It is heartwarming to see that we remain on the same page about protecting civil liberties and working to build a better digital world.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Cohn', with a long horizontal flourish extending to the right.

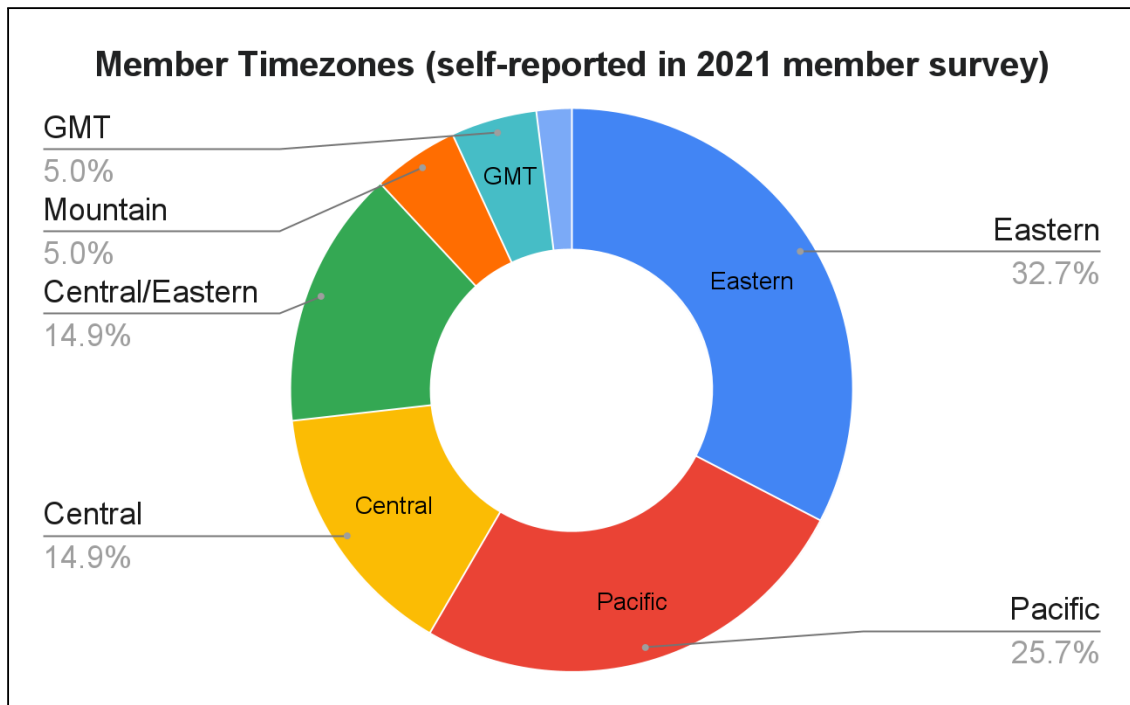
Cindy Cohn, EFF Executive Director

Build a Better Digital Future.
Donate to EFF.

About EFF

Electronic Frontier Foundation (EFF) is the leading nonprofit organization defending civil liberties in the digital world.

EFF is an essential champion of user privacy, free expression, and innovation through impact litigation, policy analysis, grassroots activism, and technology development, and has been since our founding in 1990. Our staff of nearly 100—including lawyers, activists and technologists—works to ensure that our rights and freedoms are enhanced and protected as our reliance on technology grows worldwide. EFF works on issues at the local, state, federal, and international levels. Nearly 20% of EFF’s 39,000 members in 2021 lived outside of the US.



2021 member survey responses:

“EFF is not beholden to anyone but its members. Its staff is composed of legal, political and technical experts. EFF keeps me informed about issues important to me, and is, more than anything else, an organization that I trust.”

“Keep fighting the good fight, I appreciate you all, each and every one of you. ... Our country, our world, needs you now more than ever.”

“I’m very grateful for all EFF does to advocate for individual rights worldwide.”



FREE SPEECH ONLINE

EFF fights for free expression offered by new technology—overcoming the legal, structural, and corporate obstacles in the way of people around the world speaking their mind and accessing information and ideas. We should be able to use new technologies to publish our ideas; criticize those in power; gather and report the news; and make, adapt, and share creative works. This right is especially important for vulnerable communities, who must be able to safely meet, grow, and make themselves heard without being silenced or drowned out by the powerful.



TRANSPARENCY

EFF holds governments accountable to the public through federal and state freedom of information (FOIA) laws, the courtroom, and our megaphone. We showcase technologies and policies that help the transparency process, such as tools that make it easier to file and track FOIA requests, websites dedicated to whistleblowing, or open government initiatives to improve access to information.



PRIVACY

EFF's approach to privacy enables autonomy, anonymity, security, and the right to a life free from prying eyes. This allows for free association and expression—while also taking into account legitimate law enforcement concerns. National and local governments must put legal checks in place to prevent abuse of state powers, and international bodies should consider how a changing technological environment shapes security agencies' best practices.



INTERNATIONAL

EFF's international team advocates for privacy, free speech, and an open internet in international venues and around the world. We expose mass and unwarranted surveillance, and educate unlawfully targeted users on how to protect themselves and their colleagues. EFF uses individual cases to highlight the effect of technology on human rights, and defend technologists from persecution and detention wherever they live.



CREATIVITY & INNOVATION

EFF works to protect and strengthen fair use, innovation, open access, net neutrality, and your freedom to tinker. We challenge patent trolls in public and in court; argue in Congress for more balanced copyright and patent laws; and urge governments, funders, and educational institutions to adopt open access policies so established players do not silence the next generation of creators. Our digital future depends on our ability to access, use, and build on both information and technology.



SECURITY

Computer security—and the lack of it—is a fundamental issue that underpins much of how the internet does (and doesn't) function. EFF works directly on a wide range of security issues, including deployment of cryptographic protocols, like HTTPS Everywhere and Certbot; offering legal assistance to researchers through our Coders' Rights Project; delivering practical security advice to activists through the Surveillance Self-Defense project; directly auditing open source codebases; and working on the development of new security standards.

EFF by the Numbers:

Members

39,000

Legal and Legislative Victories

12+

Press Mentions Per Day (average)

36

Sustaining Donors

**more than 1 out of 3 members
donated monthly or annually**

New Lawsuits Filed

4

EFFector Newsletter Subscribers

499,800

Amicus Briefs Filed

54

International Members
**nearly 1 out of 5 members lived
outside of the US**

Twitter
**106 million impressions
(number of times a Tweet was
viewed on Twitter)**

Electronic Frontier Alliance members
**75 groups in 26 U.S. states and
Puerto Rico**

How to Fix the Internet Podcast Downloads
(6 episodes)
58,000





DIGITAL PRIVACY

EFF’s approach to privacy enables autonomy, anonymity, security, and the right to a life free from prying eyes. This allows for free association and expression—while also taking into account legitimate law enforcement concerns. National and local governments must put legal checks in place to prevent abuse of state powers, and international bodies should consider how a changing technological environment shapes security agencies’ best practices.



Apple: Don't Scan Our Phones

When Apple, Inc. announced that it was planning to scan images on personal devices in a poorly-conceived attempt to advance child safety, EFF sprang into action. **We gathered 25,000 signatures on a petition, helped organize protests at Apple stores nationwide, and hosted an event to make sure that Apple heard from those (especially children) who have first-hand experience with the real dangers of device insecurity.** EFF also flew a banner plane over Apple's headquarters during its major product launch to make sure its employees and executives got our message.

Our message was received: Apple first delayed and then agreed not to scan iMessage and send notifications to parents.



Resisting Pandemic-Related Surveillance

Digital, scannable credentials, such as vaccine passports, are hard to separate from tracking tools, and we should be alert to efforts to deploy dangerous technology under the guise of public safety. EFF was a vocal opponent of digital “vaccine bouncers” — proposals that required a new tracking infrastructure and normalized a culture of doorkeepers to public places as an ineffective and dangerous approach to fighting the pandemic. We opposed regularly requiring visitors to display a digital token as a condition of entry. We also called for equitable distribution of vaccines and worked to ward off overbroad patent claims that would limit supply and increase costs. EFF published 92 blog posts regarding digital rights impacted by COVID-19, and spoke to or consulted with press, government, and private entities on these issues almost daily. We advocated for and against COVID-related bills in legislatures across the country. For example, EFF supported two California bills signed in 2021 related to genetic data. AB 825 will expand data breach notification requirements to include genetic data. SB 41 will establish the Genetic Information Privacy Act, requiring a direct-to-consumer genetic testing company to provide a consumer with notice and consent regarding its genetic data collection, use, and disclosure policies.



Reining in Student Surveillance

EFF stood with parents and students against increased school surveillance. When Dartmouth accused medical students of cheating based on a flawed understanding of how their proctoring technology works, our technology experts dug into the data and showed that what looked like cheating was just the students' computers working in the background. Dartmouth continued their threats of suspension and even instituted a policy preventing students from speaking out on social media until EFF's intervention fueled news coverage on the issue. Dartmouth eventually admitted its error and dropped its allegations.

EFF also brought litigation to protect a student who faced copyright claims after demonstrating the extent of surveillance conducted by the student surveillance company Proctorio.

“Appreciate all [of] your hard work. My kids will live in a better world because of EFF and your commitment to privacy and transparency in the digital space.”

– 2021 member survey response



SECURITY

Computer security—and the lack of it—is a fundamental issue that underpins much of how the internet does (and doesn't) function. **EFF works directly on a wide range of security issues, including deployment of cryptographic protocols, like HTTPS Everywhere and Certbot; offering legal assistance to researchers through our Coders' Rights Project; delivering practical security advice to activists through the Surveillance Self-Defense project; directly auditing open source codebases; and working on the development of new security standards.**



Encrypting the Web

For more than 10 years, EFF's HTTPS Everywhere browser extension provided a much-needed service to users: encrypting their browser communications with websites and making sure they benefit from the protection of HTTPS wherever possible. The secure connections help block eavesdropping, so an attacker can't learn the content of the information you are accessing, and also provide protection against criminals and others tampering with contents of websites.

Since we started offering HTTPS Everywhere, the battle to encrypt the web has made leaps and bounds. What was once a costly and challenging technical problem is now a mainstream standard offered on most web pages. HTTPS is truly just about everywhere—thanks to the work of organizations like Let's Encrypt, which EFF helped create. EFF's own Certbot tool, the largest server client for Let's Encrypt, helps web administrators automate HTTPS for free. Certbot offers domain owners and website administrators a convenient way to move to HTTPS with easy-to-follow, interactive instructions based on their webserver and operating system. By 2017 it had issued 100 million certificates. **By 2021, about 90% of all web page visits used HTTPS, and websites could more easily offer secure connections to their users.** In 2021, EFF also partnered

with DuckDuckGo to incorporate their “Smarter Encryption” into HTTPS Everywhere.

Just over a decade after its launch, EFF declared success and announced the planned deprecation of our HTTPS Everywhere plugin because the functionality had been incorporated into all of the major web browsers, making it unnecessary.

“I see EFF as a forefront organization to protect the people’s rights to privacy, security and anonymity on the internet. Please keep up the great work. And please remember that the internet belongs to the people exclusively.”

– 2021 member survey responses



Coalition Against Stalkerware

Co-founded by EFF, leading antivirus companies, and victim support groups in 2019, the Coalition Against Stalkerware received the J.D. Falk Award for raising awareness, increasing detection, and combating the spread of malware used for stalking and intimate partner abuse. The coalition of more than 40 members helps those targeted by stalkerware and works with antivirus makers to improve detection on mobile phones, laptops, and other devices. While the coalition exposes and holds accountable the companies and individuals behind stalkerware apps, the Stopstalkerware website helps victims to learn how to protect their devices, as well as find and remove stalkerware once it has been installed. It also offers a global directory of organizations for victims of stalking, domestic violence, online abuse, and more, offered in seven different languages. As a result of the coalition's work with the anti-virus industry, detection rates have grown rapidly, with many of the top antivirus programs catching between 80 to 100 percent of the most prevalent stalkerware strains for Android.



TRANSPARENCY

EFF holds governments accountable to the public through federal and state freedom of information (FOIA) laws, the courtroom, and our megaphone. EFF showcases technologies and policies that help the transparency process, such as tools that make it easier to file and track FOIA requests, websites dedicated to whistleblowing, or open government initiatives to improve access to information.



Working to Stop Dragnet Searches

With increasing frequency, law enforcement has been using unconstitutional, suspicionless digital dragnet searches in an attempt to identify suspects in criminal cases. For example, investigators can conduct searches for everyone who was near a building where a crime occurred, or who searched for a keyword like “bomb,” or who shares genetic data with a crime scene DNA sample. While dragnet searches were once thought to be just the province of the NSA, it is easier than ever for law enforcement to conduct them because of the massive amounts of digital information we share—knowingly or not—with companies and other third parties. This data—including information on where we’ve been, what we’ve searched for, and even genetic makeup—is stored in vast databases. Law enforcement has ready access to it, frequently without much legal process.

EFF and a coalition of 60 other organizations called on Google to both fight geofence warrants and to be much more transparent about the warrants it’s receiving. Unlike traditional warrants for electronic records, a geofence warrant doesn’t start with a suspect or even an account. Instead, the warrant directs Google to search a vast database of location history information to identify every device that Google knows

was in the area around the time of the crime—regardless of whether the device owner has any other link to the investigation. Both Google and Apple pushed back on shady location data aggregators by banning certain Software Development Kits (SDKs) from their app stores and kicking out at least one location data broker entirely.

EFF released Data Driven 2: California Dragnet, a new public records collection and data set that shines light on the massive amount of vehicle surveillance conducted by police in California using automated license plate readers (ALPRs)—and how very little of this surveillance is actually relevant to an active public safety interest. EFF also focused efforts in both the courts and legislatures.

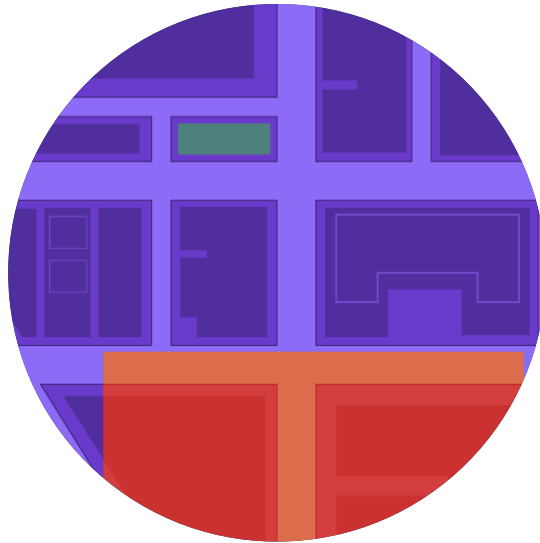
“EFF is a really special and amazing organization. Holding government and organizations accountable for all of us is really the epitome of grassroots organizations with the ability to deliver. I’m an EFF fan for life.”

– 2021 member survey response



Pushing Back on Police Surveillance

Police aren't just accessing other people's databases, they are creating their own with the dangerous use of digital technology. EFF went to court to hold police accountable, endorsed regulatory proposals, and published records shedding light on police surveillance. EFF's Atlas of Surveillance project is the largest ever public-facing database of police surveillance technology—created by mobilizing hundreds of student journalists and volunteer researchers throughout the country to turn the tables on police spying. In 2021, the Atlas had over 8,100 data points and was viewed over 100,000 times. We also filed a lawsuit on behalf of three immigrant rights activists after the Marin County, California sheriff's department was illegally sharing the sensitive location information of millions of drivers collected by automated license plate readers (ALPRs). The data was made available to over 400 out-of-state and 18 federal agencies, including Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CPB).



Challenging Biased Artificial Intelligence Tools in Law Enforcement

EFF supported local and state governments across the country in their fights against “predictive” or “data-driven” policing. These programs rely on problematic artificial intelligence tools that are not transparent and often themselves arise from racially-biased data and assumptions. For example, EFF joined 16 other groups in supporting a new law in Oakland, California, that strengthens the city’s already groundbreaking Surveillance and Community Safety Ordinance. This law includes prohibitions on Oakland’s Police Department using predictive policing technology—which has been shown to amplify existing bias in policing—as well as a range of privacy-invasive biometric surveillance technologies to the city’s existing ban on government use of face recognition. See “Impact Litigation” section on page 50 for additional examples.



Drones and the US Government

EFF engaged in the US Federal Aviation Administration (FAA)'s Aviation Rulemaking Committee for Unmanned Aerial Systems (Drones)—working closely with the American Civil Liberties Union (ACLU) and Electronic Privacy Information Center (EPIC) to have a united front against corporate interests. We pushed for privacy measures and for the FAA to finally address these issues. We had several calls directly with the FAA to discuss positions and disagreements, and submitted a memo that addressed our concerns, suggestions, and next steps. We also opposed drone usage by police on the local level.



Protecting Consumers from Deceptive Online Practices

EFF collaborated with Consumer Reports and other groups to create the Dark Patterns Tip Line, an online platform that allows people to submit and highlight “deceptive design tactics used in websites and apps to persuade you into doing things you probably would not do otherwise.”



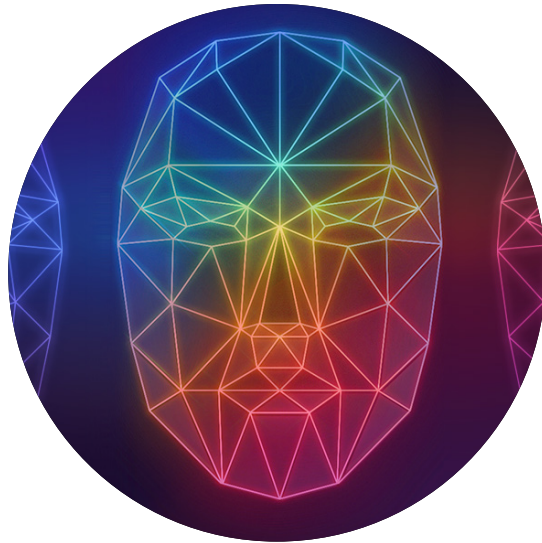
FREE SPEECH

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Standing with Whistleblowers, Human Rights Defenders, and Activists

EFF has long fought the unfair criminal persecution of security experts, who have unfortunately been the subject of the same types of harassment as those they work to protect, such as human rights defenders and activists. We joined a coalition of press freedom, civil liberties, and human rights groups that sent a letter to Attorney General Merrick Garland urging the Department of Justice to drop its efforts to extradite and prosecute Julian Assange, who is strongly protected by the First Amendment to publish truthful information of clear public interest, even when the documents are illegally obtained. Assange's case highlights a repeated, known pattern of governments enforcing computer crime law selectively and purposely in order to punish dissenting voices, including journalists. EFF also called for the release of Alaa Abdel Fattah, Egyptian blogger, coder, and activist who had been jailed for more than two years at a maximum-security prison in Tora, and continued to monitor and raise awareness of developments in the prosecution of Ola Bini (Swedish computer security expert) in Ecuador. As part of its 30th anniversary fireside chat series, EFF hosted a conversation with Edward Snowden on the topic of surveillance.



Challenging Face Surveillance

Face surveillance is a growing menace to racial justice, privacy, and free speech. EFF supports laws that ban government use of this dangerous technology, as well as laws requiring corporations to get written opt-in consent from a person before collecting their faceprint. EFF staff continued to speak regularly to the press, government, advocacy organizations, criminal defense attorneys, and industry groups about appropriate uses for biometrics, as well as commented—both publicly and informally—on legislative proposals at the state and federal level to limit biometrics. One of the worst biometrics offenders is Clearview AI, which extracts faceprints from billions of people without their consent and uses these faceprints to help police identify suspects. EFF filed amicus briefs in two cases against Clearview. EFF also opposed weakening or negating San Francisco’s privacy ordinance, which included a Community Control of Police Surveillance (CCOPS) provision and ban on government use of face recognition.



Amazon Ring and Police Collaborations

EFF launched a report, in conjunction with an investigation with the Los Angeles Times, on Amazon Ring’s financial entanglements with the Los Angeles Police Department (LAPD), and highlighted the department’s use of Ring footage of Black Lives Matter protests. We later submitted a letter raising concerns and calling on the California Attorney General to initiate a public integrity investigation into the relationship between Amazon Ring and the LAPD. After a successful media campaign by EFF, Amazon Ring later announced it would change the way police can request footage from millions of doorbell cameras in communities across the country: Instead of police sending automatic bulk email requests to individual Ring users in an area of interest up to a square half mile, police will instead post their requests to Ring’s accompanying Neighbors app. Users of that app will see a “Request for Assistance” on their feed (unless they opt out), then Ring customers can respond by reviewing and providing their footage.



CREATIVITY & INNOVATION

EFF works to protect and strengthen fair use, innovation, open access, net neutrality, and your freedom to tinker. We challenge patent trolls in public and in court; argue in Congress for more balanced copyright and patent laws; and urge governments, funders, and educational institutions to adopt open access policies so established players do not silence the next generation of creators. Our digital future depends on our ability to access, use, and build on both information and technology.



Fighting for a Decentralized Web and Interoperability

EFF continued our efforts to free the internet from the grip of the tech giants. We analyzed and provided feedback to Congress on a package of antitrust reform bills, which moved forward through a marathon hearing in the House Judiciary Committee. The House of Representatives' subcommittee covering antitrust focused its attention to “reviving competition,” and one of the hearings centered on how to help small businesses challenge Big Tech. One very good idea, backed by both parties, kept surfacing: interoperability. EFF has long championed interoperability as a technology-based strategy for revitalizing competition, encouraging innovation, and giving users more self-determination in their digital lives.

We published *Privacy Without Monopoly: Data Protection and Interoperability*, a whitepaper on how to break big tech's grip on users' internet experience while still protecting user privacy. We increased audience reach through at least 37 speaking engagements by EFF staff on the topic, blog posts, and press releases. The paper was also featured on “Interoperability News,” a website that focuses on interoperability in Europe.

Interoperability—whether through legally mandated standards or guerilla reverse-engineering—is how we can deliver technological self-determination to internet users today. It’s how we can give users the power to leave the walled gardens where they are tormented by the indifference, incompetence, and malice of tech platforms, and relocate to smaller, more responsive alternatives that are operated by co-ops, nonprofits, startups, or hobbyists.

EFF challenged the legal strictures that prevent interoperability: new ways of applying cybersecurity law, copyright, patents, and other laws and regulations that make it illegal (or legally terrifying) to make new products that plug into existing ones. By changing the law to make it easier for users to walk away from Big Tech silos, we change what kind of technology can be built, what kinds of businesses can be operated, and what kind of lives digital users can make.

“EFF rocks, I’ve been supporting you for years because of your strong ideals and support of freedom, privacy and security. Please keep fighting for the people. The push to decentralize the internet is a new area where the EFF[’]s leadership would be appreciated.”

– 2021 member survey responses



Broadband for All

EFF advocated for widespread and equitable broadband access at the federal, state, and local levels. We fought on behalf of consumers at the Federal Communications Commission (FCC) to ensure that the rules firmly empower users, not Internet Service Providers (ISPs). We also challenged “digital redlining” of broadband, where wealthy broadband users receive the benefits of cheaper and faster internet access through fiber, and low-income broadband users are left behind with slower and more expensive legacy service from the same carrier.

EFF co-sponsored California state bill S.B. 4, which promotes construction of the 21st century infrastructure necessary to eventually close the digital divide in that state. That legislation was later reintroduced as S.B. 156 and Executive Order N-73-20 and signed into law—the largest planned investment in public open access fiber in the country, as well as the first-in-the-nation of this type of financing support to help local governments to build fiber. The state broadband bills secure sustained funding to deliver modern internet access to all state residents.

But these new programs need support on the local level. To help with that work, EFF published a comprehensive study detailing how efficient an investment in open access fiber for Los Angeles County would be compared to subsidizing carriers.



Making Way for Innovation

EFF fought hard for increased transparency in the patent system that will allow us to call out the worst actors, and ultimately get a more balanced patent system. We also worked to defend and strengthen patent review systems that permit bad patents to be kicked out of the system more efficiently. We advised decision-makers on patent transparency bills and commented on US Copyright Office programs. EFF supported the International Trade Commission (ITC) reform bill, which would have the effect of kicking patent trolls out of the ITC. We also advocated against an expansion of design patent protection.



INTERNATIONAL

EFF's international team advocates for privacy, free speech, and an open internet in international venues and around the world. We expose mass and unwarranted surveillance, and educate unlawfully targeted users on how to protect themselves and their colleagues. EFF uses individual cases to highlight the effect of technology on human rights, and defend technologists from persecution and detention wherever they live.



Santa Clara Principles for Content Moderation

EFF and a coalition of civil society organizations and academics released the second edition of the Santa Clara Principles on Transparency and Accountability In Content Moderation, which outline standards related to transparency, due process, cultural competence, and respect for human rights that internet platforms should meet in order to provide meaningful, public-facing transparency around their moderation of all user-generated content, paid or unpaid. The update added standards to the original 2018 principles directed at government and state actors, and aimed at strengthening due process and expanding guidelines for reporting on and notifying users about takedowns.

Following the widespread removal of activist accounts in Palestine and Israel, we worked with more than a dozen allies to create StopSilencing-Palestine.com, demanding that Facebook operate with more transparency and accountability in the region. Specifically, the coalition called on the company to reinstate wrongfully deleted accounts and content, and to open an investigation into the takedowns. The campaign received significant support and resulted in the implementation of monthly round-table conversations with Facebook and the involved organizations. Leaks

released in the Facebook Papers have since garnered more scrutiny of the company's practices.

“I greatly appreciate all of the information and helping me to stay up to date on the current online rights issues! It's hard to get a somewhat unbiased source of information on these topics...”

– 2021 member survey response



European Union Digital Services and Markets Acts

EFF published a Digital Services Act policy paper directed at EU leaders to shape its proposed internet legislation, the e-Commerce Directive. The directive intended to lay out new responsibilities and rules for how Facebook, Amazon, and other companies that host content handle and make decisions about billions of users' posts, comments, messages, photos, and videos. We worked tirelessly to reform the EU's Digital Markets Act so it would create actual competition in the online marketplace without harming message security.



European Commission's Terrorism Regulation (or TERREG)

EFF continued its campaign to modify and oppose the 2018 regulation to prevent the dissemination of terrorist content online. This proposal contained some alarming ideas, considering that research has found that companies routinely make content moderation errors that remove speech that parodies or pushes back against terrorism, or documents human rights violations in countries like Syria that are experiencing war.



Creation of Alliance for Encryption in Latin America and the Caribbean (AC-LAC)

Alongside partners in Latin America, we fostered stronger human rights standards for government access to data. In addition to robust safeguards and controls, we want governments to commit to promoting and protecting strong encryption and device security. Based on the principle that encryption is an essential tool for security and respect for human and fundamental rights in the region (including freedom of expression and privacy), this multi-stakeholder alliance advances collective capacity building and information sharing. It aims to strengthen the use of encryption while generating an ecosystem of trust, security, and stability within information and communications technologies—particularly the critical infrastructure of the internet and its applications and services in the region. EFF is on the alliance Steering Committee.



Tracking Global Online Censorship

This project launched by EFF in late 2021 seeks accountability for powerful online censors, and to hold them to just and inclusive standards of expressive discourse, transparency, and due process in a way that protects marginalized voices, dissent, and disparate communities. It records and combats international speech restrictions, especially where censorship policies are exported from Europe and the United States to the rest of the world.





Electronic Frontier Alliance

Diverse grassroots organizations across the country share strong connections to EFF. We created and continue to support the Electronic Frontier Alliance (EFA), an information-sharing network which has grown to 75 member groups in 26 US states and Puerto Rico. Some members are fully volunteer-run, some are affiliated with a broader institution (such as student groups), and others are independent non-profit organizations. Members of the EFA have continued to innovate by organizing workshops and trainings for neighbors and made important headway on issues like equitable broadband access, surveillance oversight, ensuring users' rights are protected from unfair business practices, and banning government use of face recognition. What EFA groups all share is an investment in local organizing, a not-for-profit model, and a passion for five guiding principles:

- **Free Expression:** People should be able to speak their minds to whomever will listen.
- **Security:** Technology should be trustworthy and answer to its users.
- **Privacy:** Technology should allow private and anonymous speech, and allow users to set their own parameters about what to share with whom.
- **Creativity:** Technology should promote progress by allowing people to build on the ideas, creations, and inventions of others.
- **Access to Knowledge:** Curiosity should be rewarded, not stifled.



Press and Communications

EFF uses communications strategically in all of our advocacy efforts. For example, EFF’s campaign around Amazon’s Ring camera—and especially the close relationships and sweetheart deals that Ring pursued with law enforcement—slowly gathered enough media attention that Amazon dropped that portion of its program and significantly scaled back on how police access the private camera networks. EFF’s *AlHathloul v. Dark Matter* lawsuit received good press coverage globally, and tapped into a heightened global awareness about spyware used by authoritarian governments—with little accountability for companies supplying the technology that has hurt journalists, dissidents, and activists, such as EFF’s client. The story was covered by Reuters, Associated Press, Washington Post, The Guardian, and Al-Jazeera, resulting in nearly 200 mentions, plus a strong social media response. “Companies that peddle their surveillance software and services to oppressive governments must be held accountable for the resulting human rights abuses,” said EFF Civil Liberties Director David Greene in the press release.

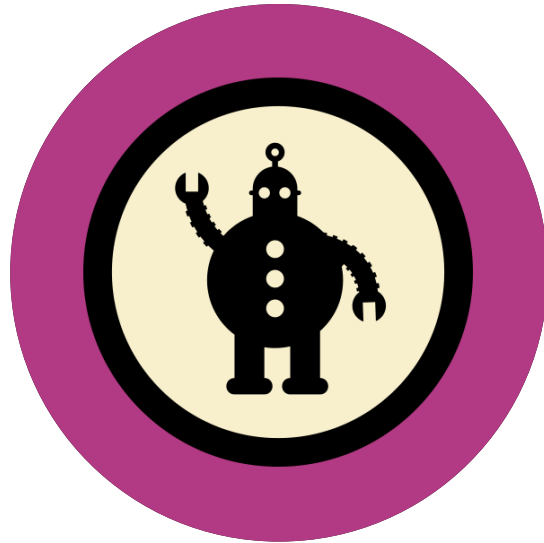
EFF also communicated regularly with the nearly half a million subscribers to the EFFector newsletter. EFF’s *How to Fix the Internet* podcast was launched in late 2020. In 2021, 6 episodes of Season 2 were released, with

nearly 58,000 total downloads. EFF continued to post frequently to our informative Deeplinks Blog, including a Year in Review series.

“EFF is a great organization and does good work that is in the interest of most people. The posts on the EFF website are clear and informative.”

“Keep being awesome! The EFF email newsletter is always a treat to see in my inbox and it comes at just the right frequency. When you don’t send too much mail, the mail you do send matters. More ways to donate would be awesome.”

– 2021 member survey responses



Public Interest Technology

Privacy Badger

Privacy Badger is a browser add-on created and maintained by EFF that stops advertisers and other third-party trackers from secretly tracking where you go and what pages you look at on the web. If an advertiser seems to be tracking you across multiple websites without your permission, Privacy Badger automatically blocks that advertiser from loading any more content in your browser. To the advertiser seeking to track you, it's like you suddenly disappeared. Available to the public for free, Privacy Badger was the first add-on to specifically focus on blocking tracking in advertisements, instead of just the ads themselves. EFF's open-source technology has also inspired other widely used privacy tools, including the Brave browser and Safari's tracker blocking.

Surveillance Self-Defense (SSD) guide

Created by EFF, this online guide provides vital information on how to use secure technology and develop careful practices. It includes tutorials for installing and using security-friendly software, and information on making a security plan, strong passwords, protecting metadata, and much more. SSD is available in 12 languages, in whole or in part.

“I greatly appreciate all [of the] tools and resources to help individuals maximize their own privacy, in addition to the important advocacy work that EFF [is] doing.”

“As technology’s role in our lives grows in prominence, it’s important to make sure it’s used to enrich our lives and not diminish them. It’s difficult to stay on top of things, even for those of us whose lives primarily revolve around tech... Supporting [EFF], an organization...of passionate and knowledgeable people to help in that effort benefits all of us and allows me to contribute to the cause.”

– 2021 member survey responses



Legal and Legislative Victories

(See the online version of this report at <https://annualreport.eff.org> for links.)

First Amendment Right to Secretly Audio Record the Police Upheld by First Circuit. EFF filed an amicus brief in late 2019. (4/5/21) Federal

Supreme Court Overturns Overbroad Interpretation of Computer Fraud and Abuse Act (CFAA), Protecting Security Researchers and Everyday Users (6/3/21) Federal

Dangerous DHS Proposed Rule to Expand Biometrics Collection Rescinded (6/30/21) Federal

Federal Court Halts Florida's Censorious Social Media Law Privileging Politicians' Speech Over Everyday Users (7/1/21) Federal

Fourth Circuit Rules Baltimore's Warrantless Aerial Surveillance Program Unconstitutional (7/2/21) Federal

United States v. Wilson EFF filed an amicus brief in 2019. (9/21/21) Federal

Surveillance Company Not Immune from International Lawsuit (11/10/21) Federal

Federal Court Blocks Texas' Unconstitutional Social Media Law (12/14/21) Federal

Defending OpenBeta App from DMCA Takedown (3/25/21)

Three Months of Warrantless Video Surveillance Violates the Constitution. EFF previously filed an amicus brief. (9/22/21) State - CO

Dartmouth Ends Unfounded Cheating Investigation After Students, Rights Groups Speak Out (6/10/21) Local

Oakland's City Council Unanimously Approves Communications Choice Ordinance (10/21/21) Local

New Lawsuits

EFF Sues Proctorio on Behalf of Student It Falsely Accused of Copyright Infringement to Get Critical Tweets Taken Down (4/21/21)

EFF Sues Police Standards Agency to Obtain Use of Force Training Materials (5/21/21)

EFF Sues U.S. Postal Service For Records About Covert Social Media Spying Program (7/27/21)

Saudi Human Rights Activist, Represented by EFF, Sues Spyware Maker DarkMatter For Violating U.S. Anti-Hacking and International Human Rights Laws (12/9/21)

Policy Positions

EFF to Council of Europe: Cross Border Police Surveillance Treaty Must Have Ironclad Safeguards to Protect Individual Rights and Users' Data (9/8/21) International

Opposition to Department of the Treasury's Financial Crimes Enforce-

ment Network (FinCEN)'s Proposed Regulations of Cryptocurrency Transactions (1/4/21) Federal

16 Civil Society Organizations Call on Congress to Fix the Cryptocurrency Provision of the Infrastructure Bill (8/5/21) Federal

Crack Down on License Plate Data Collection and Storage Duration (3/22/21) State - CA

Amicus Briefs Filed

Schools Should Not Be Policing Students' Weekend Snapchat Posts (2/17/21) Federal

States Face High Burden to Justify Forcing Groups to Turn Over Donor Names (3/9/21) Federal

Users Must Be Able to Hold Tech Companies Accountable in Lawsuits When Their Data is Mishandled (3/10/21) Federal

Schools Can't Punish Students for Off-Campus Speech, Including Social Media Posts, EFF Tells Supreme Court (3/31/21) Federal

Unconstitutional Florida Law Barring Platforms from Suspending Politicians Should be Blocked (6/14/21) Federal

Release ICE Database Information to ACLU (8/27/21) Federal

Warrantless 24-Hour Video Surveillance Outside Homes Violates Fourth Amendment (11/12/21) Federal

Protect Anonymous Speakers, Apply Proper Test Before Unmasking Them In Trademark Commentary Case (11/18/21) Federal

Petition for a writ of certiorari: EFF and ACLU Ask Supreme Court to Review Case Against Warrantless Searches of International Travelers' Phones and Laptops (4/23/21) Federal, along with ACLU and ACLU MA

Don't Let Pseudo-IP Thwart Speech, Innovation, and Competition (3/31/21) State - PA

Challenging Surreptitious Collection of DNA (4/9/21) State, along with ACLU and ACLU IA

Cloud Storage Providers' Terms of Service (TOS) can't Take Away Your Fourth Amendment Rights (4/22/21) State, along with ACLU and ACLU MN

Forensic Software Source Code Must Be Disclosed to the Defendant (5/14/21) State - CA

Forensic Technology in Criminal Cases should be Transparent, Reliable, and Accurate (11/24/21) State - NY

Stop SFPD from Spying on Protesters for Black Lives (9/27/21) Local

Events (partial list)

Pioneer Award Ceremony

At Home with EFF: From Student Privacy to Online Censorship

EFF at 30: Surveillance Is Not Obligatory, with Edward Snowden

At Home with EFF in VR: Privacy and Surveillance in XR (virtual reality)

2021 Member Survey Quotes

EFF launched its first survey of members in Spring 2021. The optional, anonymized 30-question survey was emailed to about 27,000 active donors. Within a month we saw a healthy 14% response rate, or nearly 4,000 responses. We received lots of positive feedback and numerous comments expressed a desire to change the power dynamic between ordinary people and government and corporations. Many shared the sentiment that EFF simply reflects their values. Here is some of what we heard from EFF members from around the world:

Big love to EFF. Along with the ACLU, you're one of the most important legal rights organizations in the United States. I wish I could give more.

Congratulations on your/our effort for a Free internet.

EFF is a leader in cyber rights

EFF is an important organization and I am proud to be a contributor.

Excellent work and great job. Keep fighting the good fight.

Great organization that I'm proud to support

GREAT WORK FOLKS! NEVER GIVE UP!

Great work! I appreciate all you do

I am proud to be a member of an organization that is doing such important work.

I am proud to donate to such a great organization. Keep up the amazing work!

I appreciate the important work the EFF does. We will look back some years from now with a clear view of just how important that work turned out to be. Thank you!



In Memoriam: Peter Eckersley

Peter Eckersley, Technologist who Made the Internet a Safer Place for Everyone (1978–2022) was EFF’s Chief Computer Scientist for many years of his time at EFF (2006–2018). He played a central role in many groundbreaking projects to create free, open source tools that protect the privacy of users’ internet experience by encrypting communications between web servers and users (including Panoptickick, HTTPS Everywhere, Switzerland, Certbot, Privacy Badger, and the SSL Observatory). The fact that transport layer encryption on the web is so ubiquitous that it’s nearly invisible is thanks to the work he began. It’s a testament to the boldness of Peter’s vision that he decided that we could and should encrypt the web, and to his sheer tenacity that he kept at it, despite disbelief from so many, and a seemingly endless series of blockages and setbacks.



In Memoriam: Elliot Harmon

Elliot Harmon, Leading Activist for Free Speech and Innovation (1981–2021), EFF Activism Director, and Senior Activist, advocated for free speech and the right to innovate online, with particular emphasis on patents, copyright, open access, and Section 230. He led vital campaigns protecting net neutrality, fighting SESTA–FOSTA, and defending the .org domain from a takeover by private equity—not to mention regular battles against patent trolls and for open access to research. Elliot joined EFF in 2015 and began leading EFF’s Activism team as Activism Director in 2018. As a senior member of EFF’s leadership, he was a consistently thoughtful, powerful voice and driver of EFF’s mission, including shaping the organization’s structure through rapid growth. Elliot was an admired mentor, and his contributions to civil society will continue through the many people he inspired.



In Memoriam: Sherwin Siy

Sherwin Siy (1980–2021) A brilliant advocate and strategist who was dedicated to protecting and preserving the internet as a space for creativity, innovation and sharing. Sherwin was a friend and generous mentor who shaped the present and future of tech policy by supporting and teaching others. We are grateful for the work he did, and deeply saddened to lose his voice, his perspective, and above all, his spirit.



In Memoriam: Dan Kaminsky

Dan Kaminsky (1979-2021). Computer security researcher and San Francisco native, Kaminsky was “known among computer security experts for his work on DNS cache poisoning, for showing that the Sony Rootkit had infected at least 568,000 computers, and for his talks at the Black Hat Briefings. He was named by ICANN as one of the Trusted Community Representatives for the DNSSEC root, a co-founder and chief scientist of WhiteOps, a computer security company. The New York Times labeled Kaminsky an ‘Internet security savior’ and ‘a digital Paul Revere.’” (Wikipedia)



A MESSAGE FROM EFF'S HEAD OF RESOURCE DEVELOPMENT:



**ALBERTO
VILLALUNA**

HEAD OF RESOURCE
DEVELOPMENT

EFF donors around the world power the movement for internet freedom. Our activism, technology development, policy analysis, and impact litigation is only possible with broad support from the public. EFF had a strong fundraising year from July 2020 through June 2021. Multiple factors contributed to this success, but it starts with the powerful giving and commitment from EFF's individual donors and members. When the pandemic cast its darkest shadows over the summer of 2020, we marked the 30th anniversary of EFF's fight for civil liberties and human rights online. EFF supporters responded to help ensure that in defiance of the doubts and fears of the time there would always be a powerful ally for technology users.

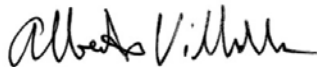
Compared to the prior year, our income grew by over \$4 million—a testament to the over 39,000 individuals and organizations around the world who support EFF's mission to make the internet and the digital world better for everyone. Individual giving made up 60% of our public support. Public foundations also increased their giving significantly from the prior fiscal year to make up 22% of our public support, with some of that funding in the form of multi-year grants. Another key element of this year's fundraising success was increased cryptocurrency donations. The sky rocketing value of digital currencies contributed to this—combined with relationships between the cryptocurrency community and EFF staffers.

We take our responsibility as stewards of your financial support very seriously. By keeping administrative and fundraising costs as low as possible, EFF is able to focus nearly 70% of contributions to programmatic work. But don't take our word for it: Charity Navigator, the

watchdog non-profit organization dedicated to providing unbiased, objective, data-based assessments of over 9,000 global organizations, gave EFF the highest possible rating of four stars in accountability and transparency. 2021 marked the ninth consecutive year that we've received this recognition.

Together, we stand up for digital civil liberties even in the most difficult times. Thank you for your support, and for your commitment to EFF's mission. We cannot do this without you.

Sincerely,

A handwritten signature in black ink, appearing to read "Alberto Villaluna". The signature is fluid and cursive, with the first name being more prominent.

Alberto Villaluna
EFF Head of Resource Development



FY 2020-2021 PUBLIC SUPPORT

Individual	\$9,263,400
Individual through Foundations	\$876,700
Foundation	\$3,314,200
Cy Pres	\$321,700
Employee & Customer-Directed Gifts	\$1,026,700
Corporate	\$455,400
In-kind Legal Services	\$109,800
Total Public Support	\$15,367,900

FY 2020-2021 EXPENSES

Program	\$10,710,600
Administrative	\$2,403,400
Fundraising	\$2,329,100
Total Expenses	\$15,443,100



INCOME

PUBLIC SUPPORT

Individual Contributions	
Individual Contributions over \$50,000	\$1,777,000
Individual Contributions \$10,000-\$50,000	\$946,300
Individual Contributions under \$10,000	\$6,540,100
Total Individual Contributions	\$9,263,400
Individual Contributions through Foundations	
Individual Contributions through Foundations Over \$50,000	\$210,000
Individual Contributions through Foundations Up to \$50,000	\$666,700
Total Individual Contributions through Foundations	\$876,700
Foundation Grants	\$3,314,200
Cy Pres Awards	
Kieu Phan vs UKA's Big Saver Foods, Inc.	\$316,600
Flaum v. Doctors Associates, Inc. (Subway)	\$5,100
Total Cy Pres Awards	\$321,700
Corporate Contributions	
Employee and Customer-Directed Gifts*	\$1,026,700
Other Corporate Contributions	\$455,400
Total Corporate Contributions	\$1,482,100
In-kind Legal Services	\$109,800
TOTAL PUBLIC SUPPORT	\$15,367,900

REVENUE

Net Investment Income	\$5,269,800
Paycheck Protection Program Loan - forgiveness	\$1,692,000
Miscellaneous	\$129,000
EFF Event Income, net of expenses	\$74,200
Attorneys' Fees Awarded	\$69,600
TOTAL REVENUE	\$7,234,600

Paycheck Protection Loan, forgiven February, 2021 - \$1,692,000

TOTAL ADJUSTED SUPPORT & REVENUE **\$20,910,500**

* This category includes payments made to match verified employee donations, charity awards chosen by employee groups, and portions of customer purchases designated for charity.

EXPENSES

Salaries & Benefits	\$13,035,500
Legal & Professional Fees	\$767,200
Membership Expenses	\$598,700
Amortization & Depreciation	\$302,600
Building Expenses	\$168,800
Office Expenses	\$154,200
Corporate Insurance	\$128,100
Litigation Expenses	\$91,000
Furniture & Equipment Expense	\$90,800
Planning & Development	\$59,600
Other Administrative Expenses	\$20,000
Intern Expenses	\$17,000
Awareness Events	\$6,200
Fundraising Expenses	\$2,900
Travel Expenses	\$500

TOTAL EXPENSES

\$15,443,100

NET INCOME (ADJUSTED)

\$5,467,400



THANK YOU

EFF members around the globe drive the movement for digital privacy, the free exchange of ideas, and an online world in which the public's interests come first. Because of our supporters, our values live in the law, in code, and in the way we defeat threats and champion progress. We're proud of and humbled by our 39,000 members' passion for ensuring that technology supports freedom, justice, and innovation for all the people of the world.

Together, we make a better digital future possible.

We are also grateful for the generous support of these public foundations in 2021 (partial list):

Filecoin Foundation for the Decentralized Web, Ford Foundation, John D. and Catherine T. MacArthur Foundation, Open Society Foundations, Alfred P. Sloan Foundation, Craig Newmark Philanthropies, Kaphan Foundation, California Community Foundation, Swedish Postcode Foundation, Someland Foundation, and Rose Foundation for Communities and the Environment.

EFF Membership Form

The Electronic Frontier Foundation (EFF) is the leading organization defending civil liberties in the digital world. We guard free speech online, champion online privacy, support emerging technologies, defend digital innovators, and work to ensure that our rights and freedoms are enhanced, rather than eroded, as our use of technology grows.

Help us protect digital freedom - **BECOME AN EFF MEMBER TODAY!** Complete this form or go sign up at eff.org/join. EFF is a U.S. 501(c)(3) nonprofit and donations are tax deductible as allowed by law.

MEMBERSHIP INFORMATION

Name: _____

Email: _____

Yes! I would like to join EFF's mailing list for EFF news, events, campaigns, and ways to support digital freedom. No thanks

Phone Number: _____

Street Address: _____

City/State/Province: _____

Postal Code/Country: _____

We respect your privacy!

EFF *does not* sell or exchange donor information. Your phone number will only be used if there's a problem processing your membership.

MEMBERSHIP LEVEL

Silicon:

(\$25-64)

\$ _____

Stickers

Copper:

(\$65-99)

\$ _____

Shirt

Gold:

(\$100-249)

\$ _____

Choose one:

Shirt

Hat

Titanium:

(\$250-499)

\$ _____

Choose one:

Hoodie

Stickers, shirt, & hat

Rare Earths

(\$500-999)

\$ _____

Choose one:

Hoodie

Stickers, shirt, & hat

Guardian

(\$1000+)

\$ _____

Shirt, hat, hoodie, metal membership card

SHIRT/HOODIE SIZE:

XS S M L XL 2XL 3XL

PAYMENT INFORMATION

Credit Card #: _____

Expiration Date: _____

Signature: _____

You may also pay via cash, personal check, traveler's check, or money order. Please make all checks payable to EFF.

Please return membership form to:



815 Eddy Street
San Francisco, CA 94109

Phone: (415)436-9333

Email: membership@eff.org

Web: eff.org