

OPINION

FTC chairman warns major tech companies of “censorship” in EU DSA and UK Online Safety Act

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A&O Shearman on data

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On August 21, 2025, the chairman of the Federal Trade Commission (FTC Chairman) sent letters to more than a dozen major U.S. tech companies including cloud computing, data security, and social media companies. The template letter published by the FTC warned that foreign governments pose a threat to freedom of expression, data security, and encryption standards.

The FTC Chairman noted that compliance with the requirements of non-US laws, such as the requirements in the EU Digital Services Act (DSA) and UK Online Safety Act, may result in companies censoring content. The

statement was made on the basis of an interim staff report by the Committee on the Judiciary of the U.S. House of Representatives. The template letter also specified (citing news articles) that the UK government, under the UK's Investigatory Powers Act, has made demands that companies weaken their encryption measures to enable access to data by UK law enforcement. The letter expressed concern that these actions may in turn expose Americans to increased surveillance by foreign governments and the risk of identity theft and fraud.

The letter goes on to call out the potential that organizations will look to simplify their approach to compliance with law and expected demands of foreign governments by adopting global policies. The FTC expressed further concern that this may cause Americans to be subject to censorship and increased foreign surveillance in circumstances where it may not technically be required.

The FTC Chairman also reminded the recipient companies of their independent obligations to comply with U.S. laws such as the Federal Trade Commission Act. The letter noted that a weakening of security measures may place the companies in violation of the prohibition in the Federal Trade Commission Act on unfair or deceptive acts or practices in or affecting commerce. The letter provided examples of how a failure to use end-to-end encryption or how censorship might deceive customers who reasonably expect high levels of confidentiality, effective security, and not to be subject to censorship. The letter also noted that a failure to implement reasonable security measures might constitute an unfair practice.

Recipients of the letter were invited by the FTC to discuss how they will meet their privacy and security commitments to American consumers and obligations under U.S. law “in the face of competing pressures from global regulators.”

Further details can be found in the [press release](#) and [template letter](#).

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