



COMPLIANCE GUIDE FOR
LAW ENFORCEMENT

Yahoo! Inc. Compliance Team
Phone: 408-349-3687
Fax: 408-349-7941

TABLE OF CONTENTS

	<u>Page</u>
I. YAHOO! LEGAL CONTACT INFORMATION.....	6
II. GENERAL INFORMATION.....	6
III. YAHOO! PROPERTIES AND SERVICES	6
General Information about Yahoo! and Yahoo! IDs.....	7
Yahoo! Mail.....	7
Yahoo! Chat/Messenger.....	8
Flickr.....	8
Yahoo! Groups	9
Yahoo! GeoCities, Domains, Web-Hosting, and Stores	10
Yahoo! Answers.....	10
Yahoo! Profiles	10
Yahoo! Partnerships	10
IV. PRESERVATIONS.....	11
V. SERVICE OF PROCESS	11
VI. NCMEC REPORTING PROCEDURES.....	12
VII. COST REIMBURSEMENT POLICY.....	12
VIII. EMERGENCY DISCLOSURES.....	12
IX. CONSENT.....	13
APPENDIX A	14
Sample Preservation Request Letter	14
APPENDIX B	15
Sample Language for Subpoenas, Court Orders, and Search Warrants	15
Sample Subpoena Wording for Identification of a Yahoo! User	15
Sample Subpoena Wording for Information About a Yahoo! Group and its Moderators.....	15
Sample Search Warrant Wording for Information Related to a Yahoo ID	15
Sample Search Warrant Wording for Information about a Group and its contents.....	15

APPENDIX C	16
Yahoo! Emergency Disclosure Request.....	16
APPENDIX D	17
Sample Consent to Search Form.....	17

COMPLIANCE GUIDE AT A GLANCE

➤ How do I contact Yahoo! Legal?

Questions: Compliance Team
Yahoo! Inc.
701 First Avenue
Sunnyvale, California 94089
408-349-3687 (tel.)

Subpoenas/Other
Service of Process: Fax requests for documents to Custodian of Records at 408-349-7941.
Subpoenas for in-person testimony must be personally served.

After-hours
emergencies: Yahoo! Security at 408-349-5400

➤ General Tips:

- Include a Yahoo! ID or Yahoo! email address in your request.
- Before making a request, check to see if the information sought is publicly available. See <http://help.yahoo.com> to find publicly available information.
- Make requests as specific and narrowly tailored as possible.

➤ What Information Can Yahoo! Provide?

- **Subscriber Information**
 - Subscriber information supplied by the user at the time of registration, including name, location, date account created, and services used.
 - IP addresses associated with log-ins to a user account are available for up to one year.
 - Registration IP address data available for IDs registered since 1999.
- **Yahoo! Mail (including email associated with specific properties such as Personals, Small Business, Domains, and Flickr)**
 - Any email available in the user's mail account, including IP address of computer used to send email.
 - Yahoo! is not able to search for or produce deleted emails.
 - Note that Yahoo! now hosts two new email domains: ymail.com and rocketmail.com.
- **Yahoo! Chat/Messenger**
 - Friends List for Yahoo! Messenger.
 - Time, date, and IP address logs for Chat and Messenger use within the prior 45-60 days.
 - Archives of Messenger communications may be available on the user's computer if the user has chosen to archive communications.
 - Archives of Web Messenger communications may be stored on Yahoo! servers if at least one party to the communication chose to archive communications.
- **Yahoo! Groups**
 - Member list, email addresses of members, and date when members joined the Group.
 - Information about Group moderators.
 - Contents of the Files, Photos, and Messages sections.
 - Group activity log describing when members subscribe and unsubscribe, post or delete files, and similar events.
 - Note: Message Archive does not contain attachments to messages.
- **Yahoo! GeoCities, Domains, Web-hosting, and Stores**
 - Active files user has uploaded to the website and date of file upload.
 - For stores, may have store transactional data.

- **Yahoo! Flickr**
 - Contents in Flickr account and comments on other users' photos.
 - IP address and timestamp of content uploaded to account.
 - Flickr Groups to which a user belongs and Group content.
- **Yahoo! Profiles**
 - Contents of a user's profile.
 - Time, date, and IP address logs of content added.
- **Does Yahoo! partner with other companies?**
 - Yahoo! has a co-branded service with AT&T. For customers with email addresses that have an SBC or AT&T suffix, AT&T has the primary customer relationship. In such cases, it is most appropriate to direct legal process first to AT&T.
 - Yahoo! also has partnerships with Verizon, Rogers (Canada), and BT (UK).
- **Will Yahoo! preserve information?**
 - Yahoo! will preserve subscriber/customer information for 90 days. Yahoo! will preserve information for an additional 90-day period upon receipt of a request to extend the preservation.
 - If Yahoo! does not receive formal legal process for the preserved information before the end of the preservation period, the preserved information may be deleted when the preservation period expires.

DATA AVAILABILITY AT A GLANCE

Record Type	Accessible for?	Purged After?
Subscriber Information	As long as account is active	18 months of inactivity or 90 days if subscriber self-deletes account
Account Log-in IP addresses	Up to one year	N/A
Email (free or premium)	As long as user chooses to keep it	4 or more months of inactivity depending on how long user's account was open
Flickr Account Contents, including Flickr Email	As long a account is active (Email stored as long as user chooses to keep it)	Upon deactivation of account
Groups – Activity Logs	Life of the Group	Minimum of 30 days after termination of Group
Groups – Content	Life of the Group (only current version of Group stored; not past versions)	Minimum of 30 days after termination of Group
Chat/Instant Messenger Logs	45-60 days	N/A
Web Messenger Contents (Yahoo! does not store contents of communications sent via the downloadable Messenger client)	As long as user chooses to keep it	N/A
GeoCities, Domains, Web-hosting – Activity Logs and Content	As long as website or domain is active	Minimum of 30 days after termination of website or domain
Profiles	As long as the Profile is active	Minimum of 90 days after deactivation

I. YAHOO! LEGAL CONTACT INFORMATION

Compliance Team
Yahoo! Inc.
701 First Avenue
Sunnyvale, California 94089
Phone: 408-349-3687
Fax: 408-349-7941

Please address all subpoenas and other legal process to the Custodian of Records at the above address.

If you need to speak to someone at Yahoo!, the phone number listed above will allow you to leave a message in the voicemail for the Compliance Team. Yahoo! will use its best efforts to return all calls during the same business day, or within 24 hours, depending on call volume.

II. GENERAL INFORMATION

This compliance guide is designed to assist law enforcement in understanding Yahoo!'s policies and practices with regard to retention and disclosure of electronic information and to provide answers to frequently asked questions related to subpoenas and other legal process. The policies and procedures in this guide are subject to change without notice, and **this document is not meant to be distributed to individuals or organizations that are not law enforcement entities**, including Yahoo! customers, consumers, or civil litigants. Nothing in this guide is intended to create any enforceable rights against Yahoo!. Yahoo! will make reasonable efforts to advise law enforcement of significant changes in policies or procedures through updates to this guide.

Law enforcement should be aware that Yahoo! provides its users with a variety of different products and services, many of which are free and some of which require separate log-ins or subscriptions and generate separate electronic records. In Yahoo!'s experience, the majority of law enforcement requests seek general information about a Yahoo! user or information specific to a particular Yahoo! service. Accordingly, in crafting a subpoena, court order, or search warrant for such information, law enforcement should be as specific as possible. Narrowly tailored requests yield significantly faster results, create fewer opportunities for misinterpretation, and generate lower reimbursable costs under the Electronic Communications Privacy Act, 18 U.S.C. § 2701, et seq. ("ECPA") and other federal statutes.

Law enforcement also should be aware that a great deal of the information that is subpoenaed from Yahoo! each year is publicly available information that can be viewed without any assistance from Yahoo!. For example, many Yahoo! Groups can be found through a search at groups.yahoo.com. Similarly, websites hosted on Yahoo!'s servers can be accessed by members of the public.

Yahoo! recommends that you visit Yahoo!'s help pages before you seek to obtain information from Yahoo!. Help pages also provide valuable information on how services work, their features and options, and what information may be available publicly or through legal process.

A menu to all of Yahoo!'s help pages can be found at
<http://help.yahoo.com>.

III. YAHOO! PROPERTIES AND SERVICES

Yahoo! Inc. is a global Internet business and consumer services company that offers a comprehensive branded network of properties and services, many of which are free, to more than 500 million unique users worldwide. Currently, Yahoo! has about 230 million registered users.

Due to the differences among the many properties and services offered by Yahoo!, the amount of information, if any, maintained by Yahoo! about its customers and subscribers varies. Moreover, as a public provider of electronic communications services and remote computing services, the disclosure of information maintained by Yahoo! is governed in large part by the ECPA, among other federal and state statutes. A detailed application of these laws to

all of the types of information held or maintained by Yahoo! is beyond the scope of this guide. This guide provides basic guidance as to the information most frequently requested by law enforcement from Yahoo! regarding its key consumer properties, including Yahoo!'s normal retention periods, and the legal process that will allow for production of the requested information.

General Information about Yahoo! and Yahoo! IDs

Signing up for a Yahoo! ID is free. To obtain a Yahoo! ID, Yahoo! requests certain information during the registration process. This information is not verified by Yahoo! but is used to help confirm the user's identity for password changes and other customer service requests.¹ For each Yahoo! ID, Yahoo! may have the following information: name, home address, business address, phone, time zone, birthday, gender, occupation, alternate email address, registration IP address, date account was created, and current account status. Not all of the fields of information requested at registration are required.

Please always provide a Yahoo! ID when requesting subscriber information. Requests based on proper names or IP addresses, for example, render inaccurate results and often no results.

For a specified Yahoo! ID, Yahoo! can determine which services the subscriber uses, whether the subscriber has configured the "My Yahoo" service, whether the subscriber has a public profile,² and whether the subscriber has paid for any Yahoo! premium services. If the user has subscribed to a premium service, Yahoo! will have a credit card number on file for that subscriber.

Yahoo! will be unable to search for and produce deleted material, including email and Group posts, unless such request is received within 24 hours of the deletion and is specifically requested by proper legal process. In most cases where deleted content is requested, Yahoo! will seek reimbursement for any engineer time incurred in connection with the request.

Yahoo! IDs remain active so long as the subscriber has logged into the account in the prior eighteen (18) months. After 18 months of inactivity, the ID may be deactivated and the account data deleted. If a subscriber self-deletes an account, then after 90 days the ID may be deactivated and the account data deleted.

To the extent available, basic subscriber information provided in response to criminal or administrative subpoenas will include information the user provided to Yahoo! during the registration process, except for information not specifically enumerated in 18 U.S.C. 2703(c)(2), such as date of birth, gender, and occupation. Other subscriber records, including full registration data and transactional records (*e.g.*, email headers, Groups activity logs, messenger logs, chat logs), may be obtained through a court order issued under 18 U.S.C. § 2703(d).

Yahoo! maintains logs of IP addresses associated with account log-in in an accessible format for up to one year. In addition, since 1999, Yahoo! has collected the IP address used to register a Yahoo! ID. Such information is retained as part of our basic subscriber information and is available to the extent the user's account is stored in our system, as described above.

Yahoo! Mail

Yahoo! has both free and premium mail services. Yahoo!'s free services are web-based only, while premium members can get POP and SMTP access to Yahoo!'s mail servers using any email client. Yahoo! now offers unlimited storage for its free mail services. Users who purchase Yahoo!'s premium mail services get email with no graphical ads, the ability to have offline access (with POP) and mail forwarding, and Spamguard Plus. Current information about premium mail services is available at <http://mailplus.mail.yahoo.com>.

Yahoo! now hosts two new email domains: rocketmail.com and ymail.com. The Yahoo! ID for a ymail or rocketmail user is the full email account name (*e.g.*, "accountholder@ymail.com," whereas the Yahoo! ID for a @yahoo email address is merely the name before the "@" sign (*e.g.*, "accountholder" where the email address is "accountholder@yahoo.com"). This means that Yahoo! may have three subscribers with these three similar IDs:

¹ Yahoo! does not maintain passwords in an accessible format.

² A user's Yahoo! profile may be available to the public depending on a user's profile privacy setting. Please visit profiles.yahoo.com.

“johndoe@yahoo.com,” johndoe@ymail.com,” and johndoe@rocketmail.com,” where the three Yahoo! IDs are, respectively, “johndoe,” “johndoe@ymail.com,” and “johndoe@rocketmail.com”.

Every message sent by a Yahoo! mail user contains the originating IP address in the header. That is, Yahoo! records the IP address of the computer that was used to send the email, and Yahoo! inserts that IP address in the header of the message. Accordingly, if law enforcement is seeking to determine the IP address from which a Yahoo! email was sent, Yahoo! will have no additional information other than what is visible in the message itself. The relevant line from the header will generally look like this:

Received: from [65.207.97.120] by web41705.mail.yahoo.com via HTTP; Fri, 05 Sep 2003 07:30:05 PDT

In this example, the IP address in brackets corresponds to the computer from which the message was sent.

For more information on email headers and IP addresses, please see:
<http://help.yahoo.com/help/us/mail/spam/spam-05.html>.

Yahoo! retains a user’s incoming mail as long as the user chooses to store such messages in their mail folders and the user’s email account remains active. Yahoo! retains a user’s sent mail only if the user sets their email account options to save sent mail and has not subsequently deleted specific messages. Once the trash folder has been emptied, which usually occurs automatically within 24 hours of when the user has placed messages in the trash folder, Yahoo! will be unable to search for and produce deleted emails. Yahoo! may set an email account to inactive status and delete all account contents after at least four (4) months of inactivity.

Yahoo! Chat/Messenger

Yahoo! Chat and Messenger are two distinct Yahoo! products, although users may only access Chat rooms via Yahoo! Messenger. Yahoo! also offers users two forms of Messenger – a downloadable client or a version that is accessible on the web. Web-based Messenger may be accessed at messenger.yahoo.com or it may be accessed by users of Yahoo!’s new mail interface.

For Yahoo! Chat and all forms of Messenger, Yahoo! has log information regarding the use of the services. Yahoo! maintains a “Friends List” for users of Yahoo! Messenger and can determine from its logs the time and date that a user logged into Messenger or Chat (in the prior 45-60 days) and the IP address used. Yahoo! also can retrieve from its Chat and Messenger logs the names of the chat rooms that the user accessed and the Yahoo! IDs of the other people with whom a user communicated through Messenger during the prior 45-60 days. In order to search these logs, a Yahoo! ID and a specific time frame, preferably no more than three days, must be provided.

Yahoo! does not stored content for the downloadable Messenger client. Yahoo! Messenger client users can archive Messenger communications, however, by storing the archives locally on their PC or on whatever media they designate. If a user has archived Messenger communications, the archives can be viewed locally through the Messenger client resident on the user’s computer.

For web-based Messenger, Yahoo! may be able to access the content of communications if at least one party to the communication elected to archive the conversation on Yahoo!’s servers. Again, this is for web-based Messenger only. Yahoo! does not archive the content of communications for the downloadable Messenger client.

Yahoo! does not store the content for Yahoo! Chat. Yahoo! Chat made several product changes in 2005. In July 2005, Yahoo! suspended users’ ability to create their own chat rooms. In October 2005, Yahoo! restricted access to the Chat product to only those users who are registered as being 18 years of age or older. The “teen” category and any associated chat rooms were removed. Finally, when users log in to Chat, Yahoo! now displays users’ IP addresses to them and gives them notice that their IP addresses are being recorded.

Flickr

Flickr is Yahoo!’s free online photo management and sharing application. Free users are able to upload 100MB worth of photos each calendar month. Users may upgrade to FlickrPro – a premium service that allows users to

pay for unlimited photo uploads (up to 20MB per photo). Pro users also are able to upload videos (90 seconds maximum length per video).

All Flickr accounts are identified uniquely in the URL for the account. The URL either will reflect a user's NSID (a unique alphanumeric code assigned to a user) or a user-created personalized URL (e.g., <http://flickr.com/photos/username>). In addition, each Flickr user has a unique email account that is separate from their Yahoo! Mail. Flickr also offers users the ability to create and join Flickr Groups and to comment on their own and others' photos.

Flickr users may keep their photos private, share them with friends and/or family, or make their photos public. Users also may classify photos as "safe" (suitable for a global, public audience); "moderate" (some photo content may be considered as offensive by some people); or "restricted" (photo content is unsuitable for minors and may be considered offensive by some people).

If provided with a Yahoo! ID, Flickr URL, or Flickr NSID, Yahoo! has the ability to produce subscriber information for the account-holder. As long as the Flickr account is active, Yahoo! has the ability to produce content in the account – with associated upload IP addresses and date and time – as well as the email and Groups information for the account.

Yahoo! no longer offers the Yahoo! Photos service.

Yahoo! Groups

Yahoo! Groups is a free service that allows Yahoo! users to communicate with other people with similar interests. Each Yahoo! Group has at least one owner or moderator who sets the topic and rules for the Group, including whether membership is open to the public, restricted so that moderators must approve all requests for membership, or closed so that only invited members can join. The Group owner or moderator also determines whether or not the Group is listed in the Groups directory. A Group owner may name additional moderators. Each member of a Group can select a delivery option – whether they want to receive every email message sent to the Group, a digest of messages, or no email. Users are not required to have a Yahoo! ID to participate in Groups and may choose to subscribe using email addresses. However, Group members with Yahoo! IDs also may (or in the alternative) read messages through the Group website instead of electing to receive email.

Each Yahoo! Group has several sections for user-generated content available on the Group website. These sections include Messages, Files, Photos, Links, Polls, Calendar, and Database. In addition to the materials from these sections, a member list, including a list of all current members of the Group, their partial email addresses (the name before the "@" symbol), and when they joined the Group, also is available to members of the Group for restricted Groups, or may be available to the general public for public Groups.

For Groups that are publicly accessible to other Yahoo! users, all of the Groups' content, including the Yahoo! ID and email address of the moderator(s) may be available through the Group's website. Yahoo! maintains no additional files, photos, or messages that cannot be obtained through the Group's website. In addition, the Yahoo! ID or email address of members who posted files or photos is also apparent from a public Group's website. For Groups that are not publicly accessible, Yahoo! can produce the Group's contents as they would be seen by one of the Group's private members.

Yahoo! maintains information about Group moderators, as well as an activity log for each Group. The Group activity log is a transactional log that indicates when members have subscribed or unsubscribed from the Group, posted or deleted files or polls, or other similar events. Not all Group activities are logged, however. For example, the reading of messages or downloading of files or photos is not logged.

Although the Group Message archive maintains messages sent to Group members, the message archive does not contain any attachments to the messages. Yahoo! does not maintain those attachments in any form.

For current Groups, Yahoo! retains information relating to the moderator, members, and the active contents of the Files, Photos, and Messages sections. If a Group has been deactivated or deleted, information about the Group may be preserved for approximately 30 days, after which the information may be deleted.

Yahoo! GeoCities, Domains, Web-Hosting, and Stores

Yahoo! operates GeoCities, a web-hosting service that provides both free and premium hosting options. All Yahoo! IDs come with a "www.geocities.com/your-Yahoo!-ID" web address that users may choose whether or not to use. Premium GeoCities members can register (or transfer) their own domain name and host their website with GeoCities. For GeoCities websites, Yahoo! will have basic Yahoo! registration information about the user who posted the page. Yahoo! also will have the active files that the user has uploaded to the website, including the date on which the file was uploaded.

Yahoo! also operates premium small business web-hosting services and free and premium domain services. Users may register unique domain names and host their websites on Yahoo!. Web-hosting and Domains service packages also provide users with domain-based email accounts. The storage capacity for the websites and the number of email addresses per domain are determined by the package for which a user registers. For web-hosting and domains, Yahoo! will have basic Yahoo! registration information about the user who posted the page. Yahoo! also will have the active files that the user has uploaded to the website, including the date on which the files were uploaded, and the domain-based email that is available to the user. Deleted email is not available.

Yahoo! offers a merchant hosting solution as well. If a user pays for and uses this add-on package to Yahoo!'s web-hosting service in order to operate an online store, Yahoo! will have transactional information for the online merchant's customers, including items purchased and customer billing and shipping information.

Yahoo! Answers

Answers is a site that allows users to post questions and solicit answers. The user who asks the question can vote which answer is the best one to the question asked. Each question and answer has a unique URL with a "QID" code. Answers is a text-only site. The only images that appear are those associated with a user's nickname.

For Answers, Yahoo! has available the subscriber information associated with a posted question or answer, including the IP address and date and time of posting. Law enforcement seeking information about a specific posting should, where possible, provide Yahoo! with the unique URL of that posting when requesting information.

Yahoo! Profiles

Yahoo! Profiles is a central control panel for online activity, making it easy for people to manage their identity, activities, interest, and connections and giving users the opportunity to share this information on the web.

Each Yahoo! Profile includes a basic user card that includes a user's photo (or avatar), nickname, name, age, sex, and location. The Profile also gives users the ability to post basic information about their school, work, interests, relationship status, etc. Users will be able to see the other users they are connected to as friends, and there is a section on the profile where a user can see updates from his or her connections. Each profile also includes a "guestbook" where visitors to a profile page can add comments.

Users have the ability to make their profiles searchable by nickname, by first and last name, and by email address. Alternatively, users can hide their profiles from appearing in public search results. Users also have the ability to make their entire profile hidden from the world, or to only share their profile with their friends or "connections," or to make their profile publicly available. The URL of a profile contains unique identifying information for a user's profile, so law enforcement should provide that URL to Yahoo! when requesting information about a user's profile.

Yahoo! stores the content of the current version of a user's profiles. Yahoo! also logs the IP addresses and dates and times of new content added to a profile (*e.g.*, guestbook comment, newly uploaded photos).

Yahoo! Partnerships

Yahoo! has a co-branded service with AT&T (formerly SBC). For AT&T Yahoo! DSL and Dial-up customers, AT&T provides users with Internet access, and Yahoo! provides content and communications services available through the Yahoo! network. Many users who have an AT&T/SBC or AT&T/SBC-affiliated company email address may be

AT&T Yahoo! customers (for example, users with email addresses ending with @sbcglobal.net may be AT&T Yahoo! customers). AT&T has a billing relationship with all AT&T Yahoo! customers. Legal process should be directed to AT&T first. In circumstances where Yahoo! may have additional information regarding a user's account, AT&T may direct law enforcement to Yahoo! for more information. In these instances, Yahoo! may have information regarding the use of Yahoo! services, as well as email account contents.

Yahoo! has partner relationships with other companies, including Verizon Online, British Telecom, and Rogers. Depending on the specific arrangements of each partnership, Yahoo!'s partner may have the primary customer relationship, and it may be more appropriate to direct legal process first to the partner rather than Yahoo!. Depending on the particular partnership, Yahoo! may or may not have information about the user.

IV. PRESERVATIONS

Pursuant to 18 U.S.C. 2703(f), Yahoo! will preserve information related to a subscriber or customer for 90 days, which may be extended for an additional 90 days by a request to extend the preservation. For best handling, we request that preservation requests be sent by fax to 408-349-7941. Please be as specific as possible in describing the information you would like Yahoo! to preserve and only request preservation for those materials that you intend to obtain legal process to receive. Please reference the initial preservation request (by date and case name or number) when sending legal process to obtain the preserved information. Also, please indicate whether the preserved information will satisfy the request or whether the request seeks the preserved information as well as other information that may have been added to the account between the preservation date and the date of the request that may be available.³ If Yahoo! does not receive a request for extension or formal legal process by the end of the 90 day preservation period, the preserved information may be deleted.

V. SERVICE OF PROCESS

Yahoo! generally will accept service of court orders, search warrants, and criminal grand jury or administrative subpoenas for the production of documents by fax from government entities.

Yahoo! will not accept service by fax of any subpoena purporting to call for the in-person testimony of Yahoo! witnesses.

Yahoo! will provide a certification of authenticity along with the production of records.

In general, law enforcement can expect Yahoo!'s responses to legal process to conform with the Electronic Communications Privacy Act as described below. Yahoo! is both an Electronic Communications Service Provider (ECS) and a Remote Computing Service Provider (RCS). Yahoo! is an ECS for communications including but not limited to email and Messenger, and Yahoo! is an RCS for purposes including but not limited to storage of photos and files.

Subpoena	2703(d) Order	Search Warrant
<ul style="list-style-type: none"> • Basic subscriber information • Contents of communications on RCS* • Contents in electronic storage for over 180 days* 	<ul style="list-style-type: none"> • Transactional records (e.g., Messenger or Chat logs, IP address information associated with any activity other than log-in) • Anything obtainable with a subpoena* 	<ul style="list-style-type: none"> • Contents in electronic storage for 180 days or less • Anything obtainable with subpoena or 2703(d) order

* Yahoo! will ask law enforcement to certify that the prior or delayed notice provisions have been satisfied if contents are sought with legal process other than a Search Warrant.

³ Please note that requests to collect information regarding a user's account on a forward-going basis require the appropriate surveillance orders (such as a Title III Order).

VI. NCMEC REPORTING PROCEDURES

Yahoo! has worked with law enforcement and the National Center for Missing and Exploited Children (NCMEC) to develop practices for reporting instances of apparent child pornography (CP) as required by 18 U.S.C. § 2258A.

Yahoo! may learn about possible CP on its network from a variety of sources, including abuse reports from users, tips from NCMEC and law enforcement, and internal proactive efforts using a combination of technological and human resources.

Upon becoming aware of CP, Yahoo! Customer Care disables public access to material and escalates the material to Yahoo!'s legal department, which will review the material and determine whether it is required to be reported to NCMEC. Users reported to NCMEC for child pornography-related incidents are terminated from Yahoo!'s service at the time of reporting.

In keeping with recent changes in Federal law, the information Yahoo! reports to NCMEC includes, when available:

- A user's Yahoo! ID and/or unique NSID for Flickr and/or website domain for hosted sites;
- The user's registration IP address and registration date and time and/or the IP address and date and time of upload of a photo image or other content;
- The images themselves; and
- Information about whether the subject account is already under investigation by law enforcement.

VII. COST REIMBURSEMENT POLICY

Federal law (See 18 U.S.C. § 2706) requires law enforcement to reimburse providers like Yahoo! for costs incurred responding to subpoena requests, court orders, or search warrants. Yahoo! generally requests reimbursement when responding to legal process, except that Yahoo! maintains an exception to this policy for cases involving the abduction or exploitation of children. Yahoo! may waive reimbursement in specific cases or recognize additional exceptions to this policy in the future.

Yahoo! will seek reimbursement based on the actual time expended by Yahoo!'s compliance staff in complying with the request. The average costs related to compliance matters are listed below for your convenience. These estimates are neither a ceiling nor a floor but represent the average costs of typical searches. Time spent may vary considerably based on the wording of the request and the information available about the user. These time estimates are also based on narrowly tailored requests that do not require extensive searches in multiple databases. These estimates are not price quotes, budgets, or guarantees and should not be used for budgeting purposes. Yahoo! reserves the right to adjust its estimates and reimbursement charges as necessary.

- Basic subscriber records: approx. \$20 for the first ID, \$10 per ID thereafter
- Basic Group Information (including information about moderators): approx. \$20 for a group with a single moderator
- Contents of subscriber accounts, including email: approx. \$30-\$40 per user
- Contents of Groups: approx. \$40 - \$80 per group

VIII. EMERGENCY DISCLOSURES

Under 18 U.S.C. §§ 2702(b)(7) and 2702(c)(4) Yahoo! is permitted, but not required, to voluntarily disclose information, including contents of communications and customer records, to a federal, state, or local governmental entity if Yahoo! believes in good faith that an emergency involving imminent danger of death or serious physical injury to any person requires such disclosure without delay. In order to assist Yahoo! in exercising its discretion, Yahoo! requests that, where possible, Yahoo!'s Emergency Disclosure Request Form be completed, or the

information requested by this form be conveyed to Yahoo! by some other means. (See Appendix C) Without such information, it will be difficult, if not impossible, for Yahoo! to determine the nature of the emergency and the need for an immediate response. The Emergency Disclosure Request must be submitted by a law enforcement officer.

If you need to get in touch with Yahoo! after hours for an emergency request, the most reliable way is to contact Yahoo! Security at 408-349-5400, who will in turn page a member of Yahoo!'s compliance team. Alternatively, you may contact the San Jose FBI Office, who will contact Yahoo! personnel. Please note that contacting Yahoo! compliance via the San Jose FBI Office may not necessarily be as efficient for an emergency response.

IX. CONSENT

In order for Yahoo! to turn over any information to law enforcement based on a user's consent to search, the user's signed consent must be accompanied by a subpoena, and Yahoo! must be able to successfully verify the account of the user whose information is being sought. Along with the user's signed consent and a detailed description of the information the user is requesting from Yahoo!, the user must provide the information requested in the Sample Consent to Search Form to Yahoo! in writing. (See Appendix D) If the user is unable to verify ownership of the account by providing registration information that matches what is in Yahoo!'s records, Yahoo! will be unable to produce records pursuant to the user consent.

APPENDIX A

Sample Preservation Request Letter

Compliance Team
Yahoo! Inc.
701 First Avenue
Sunnyvale, California 94089
Fax: 408-349-7941

Dear Custodian of Records:

This letter serves as a formal request for the preservation of records and other evidence pursuant to 18 U.S.C. § 2703(f) pending further legal process. For the Yahoo! subscriber ID [*INSERT ID, email address, Group name, Flickr NSID, Flickr URL, or Profile URL*], you are hereby requested to preserve, for a period of 90 days, the records described below currently in your possession.

This request applies only retrospectively. It does not in any way obligate Yahoo! to capture and preserve new information that arises after the date of this request. This preservation request specifically applies to all records and other evidence relating to the subscriber(s), customer(s), account holder(s), or other entity(ies) associated with the subscriber(s) identified above, including, without limitation, [*include as may be relevant*]:

- Subscriber names, user names, screen names, or other identities;
- Mailing addresses, residential addresses, business addresses, email addresses, telephone numbers, and other contact information;
- Billing records;
- Information about length of service and the types of services the subscriber(s) or customer(s) used;
- Any other identifying information, whether such records are in electronic or other form;
- Connection logs and records of user activity for the subscriber(s) identified above, including log-in history and records identifying sent and received communications;
- All communications stored in the account(s) of the subscriber(s) identified above; and
- All files that are controlled by user accounts associated with the subscriber(s) identified above.

At this time we are expecting to obtain formal legal process within 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days and do not request a 90-day extension, the preserved information may no longer be available.

APPENDIX B

Sample Language for Subpoenas, Court Orders, and Search Warrants

Sample Subpoena Wording for Identification of a Yahoo! User

Any and all records regarding the identification of a user with the Yahoo! ID “_____” or Yahoo! email account “_____,” to include name and address; Yahoo! email address; alternate email address; IP address and date and time of registration; account status; and log-in IP addresses associated with session times and dates.

Note: If Credit card numbers are sought, please identify any Yahoo! premium service used by the subscriber, if known, and insert: “credit card numbers used by the Yahoo! user to pay for Yahoo! premium services [or the name of the specific Yahoo! premium service used].”

Sample Subpoena Wording for Information About a Yahoo! Group and its Moderators

For the Yahoo! Group known as _____, email addresses for all moderators and members of the Group, the date the Group was created, the Group/List ID, and Group description.

Any and all records regarding the identification of the owners and/or moderators of the Yahoo! Group listed above, to include name and address; Yahoo! email address; alternate email address; IP address and date and time of registration; account status; and log-in IP addresses associated with session times and dates.

Sample Search Warrant Wording for Information Related to a Yahoo ID

Any and all information for Yahoo! ID “_____” or Yahoo! email account “_____,” to include name and address; Yahoo! email address; alternate email address; IP address and date and time of registration; account status; and log-in IP addresses associated with session times and dates.

(If information related to email content is sought, add)

For the subscriber identified in Paragraph A above, the contents of any and all emails stored in the subscriber’s Yahoo! account. [NOTE: Email content stored in domain-based email accounts hosted on Yahoo! or Flickr email must be requested explicitly.]

(If information is sought related to stored Yahoo! Briefcase files or Flickr photos, add)

Any and all contents of electronic files that the subscriber has stored in the subscriber’s Briefcase and/or Flickr account.

(If Friends List information is sought, add)

Any and all Yahoo! IDs listed on the subscriber’s Friends list.

(If information related to payments is sought, add)

Any and all methods of payment provided by the subscriber to Yahoo! for any premium services.

Sample Search Warrant Wording for Information about a Group and its contents

A. The identity of the moderators and members of the Yahoo! Group known as _____, including the date the Group was created, the Group ID, the dates that members joined the group, and the delivery options for the current members.

B. The current contents of the Files, Photos, Links, and Polls section of the Yahoo! Group known as _____ and the archived message posts, and all records relating to the activities of the Group members, as reflected in the Group Activity Log.

APPENDIX C

Yahoo! Emergency Disclosure Request

Please respond to the questions on this form to assist Yahoo! in determining whether to exercise its discretion to disclose information to you pursuant to 18 U.S.C. § 2702(b)(8) and § 2702(c)(4). Please fax this completed form to us at 408-349-7941. For an after-hours emergency, please send it by email to page-legalpoc@yahoo-inc.com. During business hours, please call 408-349-3687 with any questions about this form. If Yahoo! does not receive sufficient information in writing or verbally, Yahoo! may not be able to make an emergency disclosure under federal law. *Please make sure you specify the Yahoo! ID for which the information is being requested.*

1. What is the nature of the emergency involving death or serious physical injury?
2. Whose death or serious physical injury is threatened?
3. What is the imminent nature of the threat? Please provide information that suggests that there is a specific deadline before which it is necessary to receive the requested information and/or that suggests that there is a specific deadline on which the act indicated in response to Question 1 will occur (*e.g.*, tonight, tomorrow at noon).
4. Please explain why the normal disclosure process (including any statutory emergency procedures) would be insufficient or untimely in light of the deadline set forth in Question 3.
5. What specific information in Yahoo!'s possession related to the emergency are you seeking to receive on an emergency basis? SPECIFY THE YAHOO! ID FOR WHICH THE INFORMATION IS BEING REQUESTED. (Note: Please do not respond by asking for everything Yahoo! has in its possession as such response will likely result in delaying or denying this request.)
6. Please explain/describe how the information you request will assist in averting the threatened death or serious physical injury.
7. If email sent from a Yahoo! account is the basis for the belief that there is a risk of imminent harm, please attach a copy of the email message(s) to this form.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Law Enforcement Officer

Date

Printed Name of Law Enforcement Officer, Title, and Agency

APPENDIX D

Sample Consent to Search Form

(This request must be accompanied by a subpoena and a cover letter or fax bearing the official seal of the requesting agency)

I, _____ the account holder of the Yahoo! account with Yahoo! ID _____ understand that my account is being sought in connection with an official law enforcement investigation. As part of that investigation, I hereby grant my consent to authorize the following agency:

_____, to receive, review, copy, and otherwise obtain access to all information of any kind held by Yahoo! relating to my accounts and any and all accounts that I have linked to the following Yahoo! ID _____, including but not limited to information about my identity, my online activities, and the contents of all electronic files or communications maintained by Yahoo! related to me or my ID.

Pursuant to the consent I hereby request that the following specific information be provided:

In connection with this authority to release information, I do hereby agree to hold harmless and do forever hold harmless Yahoo! for the disclosure of such information and do forever waive on my behalf, and on behalf of my heirs and assigns, any and all claims resulting from Yahoo!'s disclosure of any information related to my account pursuant to this authorization.

The following information should be used by Yahoo! to verify my identity:

Login name/Yahoo! ID	_____
Yahoo! email address	_____
Alternate email address	_____
Birthday (as indicated on this account)	_____
Answer to secret question	_____
(Contact Yahoo! Compliance for secret question)	
City, state, and zip	_____
Gender	_____

Yahoo! user's signature

Date