

Experience Project

Law Enforcement Guide

Last Updated: November 9, 2015

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I. Experience Project and Law Enforcement

Experience Project is a multi-channel internet application, available through the iPhone App Store, Google Play, and via the web. The purpose of this guide is to familiarize U.S. law enforcement agencies with the categories of information available from Experience Project and the specific legal process needed to compel that information.

This guide provides information for domestic U.S. governmental and law enforcement agencies. International governmental and law enforcement agencies must rely on the mechanics of the Mutual Legal Assistance Treaty (“MLAT”) or letters rogatory to seek user information from Experience Project. Experience Project may provide this guide to international agencies to help them understand how Experience Project works, but the legal process and emergency disclosure provisions apply only to U.S. agencies.

Experience Project is committed to assisting law enforcement investigations as the law requires. We provide not only this guide but also email support to law enforcement agencies for both emergency and non-emergency inquiries. Contact information for Experience Project’s law enforcement support is listed on the cover of this guide.

For the most part, Experience Project’s ability to disclose user information is governed by the Electronic Communications Privacy Act, 18 U.S.C. § 2701, et seq. (“ECPA”). ECPA mandates that Experience Project disclose certain user information to law enforcement only in response to specific types of legal process, including subpoenas, court orders, and search warrants.

Generally speaking, ECPA authorizes law enforcement to compel Experience Project to disclose basic user identity information, login information, and account content (definitions provided in Section IV of this guide) in response to appropriate legal process.

It is important to recognize that Experience Project cannot provide legal advice to law enforcement officials. So if you need further clarification about ECPA’s

restrictions on providers like Experience Project, we suggest that you contact the Department of Justice's Computer Crime and Intellectual Property Section (CCIPS) at 202-514-1026 and ask to speak to the Duty Attorney.

II. How Experience Project Works

Publicly Available Content

Experience Project allows users to join existing groups, create their own groups, post stories to these groups, and post questions to a general Q&A section. These group pages, stories, and questions can be viewed by anyone with an Experience Project account and may also be indexed in search engines.

Photos

Users have the option to upload photos to photo albums, private messages, and their own published stories. Photos added to published stories and public photo albums can be viewed by anyone with an Experience Project account. Photos in private photo albums and in private messages can only be viewed by the user's approved friends.

Private Messages

Users can send private messages to other users within the Experience Project app and website. When a user sends a new private message, the message thread can only be viewed by the user and the member they are in correspondence with.

III. Locating an Experience Project Account

Before sending a legal request to Experience Project, you must first identify the username of the account. If you are unable to locate a username, Experience Project can try—with varying degrees of success—to locate the account with an email address or IP address.

IV. User Records Maintained by Experience Project and the Legal Process Required to Obtain Those Records

Note: Please send all legal process via email to

lawenforcement@eproject-inc.com

Experience Project can release user records on a non-emergency basis only if it receives legal process that fully complies with ECPA. The required legal process varies depending on the type of user information you seek:

a. Basic User Information

Basic user information is collected when a user creates a new Experience Project account, alters information at a later date, or otherwise interacts with the Service. Please note that not all listed information is required, and that user-provided information is not always independently verified by Experience Project. Basic user information may include:

- Experience Project username
- Unverified email address
- Experience Project account creation date
- Last login date and last login IP address
- Unverified birth month and year

This information can be obtained through a subpoena (including one issued by a grand jury), administrative subpoena, or civil investigative demand pursuant to 18 U.S.C. § 2703(c)(2); a court order issued in accordance with 18 U.S.C. § 2703(d); or a federal or state search warrant.

b. Public and Private User Content

In the course of usage of the Service, a user on Experience Project can generate a range of publically available and privately available content. Experience Project retains active user content creation history in its database. The information stored includes both the content itself, and metadata about the content.

The types of public and private user content and data that Experience Project can make available may include:

- Groups joined
- Friendships made

- Stories written
- Comments made
- Questions asked
- Questions answered
- Private messages sent
- Private photos sent
- Private messages received
- Private photos received
- Photos uploaded into private or public albums

Once an Experience Project user deletes their account, all relevant data will be deleted from the active database and other storage systems. Experience Project retains nightly database backups for a period of 60 days. Not all of the above listed data will be retrievable from backups, as some items are permanently deleted.

This information can be obtained through a subpoena (including one issued by a grand jury), administrative subpoena, or civil investigative demand pursuant to 18 U.S.C. § 2703(c)(2); a court order issued in accordance with 18 U.S.C. § 2703(d); or a federal or state search warrant.

c. International

Governmental and Law Enforcement Requests International governmental and law enforcement agencies must use MLAT or letters rogatory processes to seek user information from Experience Project.

Please note: Experience Project is continuously being updated with new features to improve the user's experience and functionality of the service.

When providing Experience Project with legal process for user records, please provide the following details: the username of the account you seek information from, whether the results must be returned before a specific date, and where the results should be returned.

Experience Project accepts service through email (lawenforcement@eproject-inc.com) and U.S. mail and overnight courier services (at the address provided on the cover of this guide). Experience Project may produce documents in response to out-of-state domestic legal process such as subpoenas, court orders, emergency requests, and search warrants.

V. Preservation Requests

Experience Project honors requests from law enforcement to preserve information in accordance with 18 U.S.C. § 2703(f). Upon receiving a preservation request on law enforcement department letterhead, Experience Project will preserve available account information associated with the username listed in the request in an offline file for up to 90 days and will extend the preservation for one additional 90-day period on a renewed request.

Note regarding all legal requests following preservations: When serving follow-up legal process for information that was previously the subject of a preservation request, please specify whether the request is seeking both the information preserved and any updated user account information. To expedite our response, please also refer to any prior preservation requests by date, or if you received a confirmation email, provide us with the Experience Project case number.

VI. Emergency Requests

Under 18 U.S.C. §§ 2702(b)(8) and 2702(c)(4), Experience Project is able to disclose information voluntarily when we believe in good faith that an emergency posing a threat of death or serious physical injury to any person requires the immediate disclosure of this information.

All emergency requests must be signed by a sworn law enforcement officer, and those received through email must come from a valid law enforcement email address. Sample Emergency Disclosure form language is provided in section VIII of this Guide. When drafting your emergency disclosure request, please describe the nature of the emergency as specifically as possible and specify the information that you are seeking to resolve the emergency situation.

VII. Experience Project Retention Periods

Experience Project retains different types of user information for different periods of time. Experience Project honors valid law enforcement preservation requests made during the period the requested user information is available.

Basic Subscriber information: The basic subscriber information entered by a user in creating an account is maintained as long as the user has not edited the information or removed the information from the account. Once the user makes a change, the previously existing information is overwritten. Upon receipt of a preservation request, however, Experience Project can capture the user information available at that time; and future actions by the user will not affect the preserved user information.

VIII. Administrative Fees

Each user record request is subject to a \$250 administrative fee, on a per-account basis.

IX. Sample Language and Forms

This section provides sample language that law enforcement may use to complete the section of their legal process identifying the information they seek from Experience Project. These are examples of the most commonly requested information from Experience Project. It is important to be as specific as possible when identifying the information you are requesting from Experience Project.

a. Sample Language for Basic Subscriber Information:

“Records concerning the identity of the user with the username _____ consisting of the email address, account creation date, and any known IP addresses.”

b. Sample Preservation Request Letter

(Must be on law enforcement department letterhead and sent from an official governmental email address)

Dear Custodian of Records:

The below listed account is the subject of an ongoing criminal investigation at this agency, and it is requested pursuant to 18 U.S.C. § 2703(f) that the subscriber information associated with said account be preserved pending the issuance of a search warrant or other legal process seeking disclosure of such information:

[Specify username to be preserved].

I understand that Experience Project reserves the right to delete any account that violates its Terms of Use.

If you have any questions concerning this request please contact me at [insert e-mail address and phone contact]

Thank you for your assistance in this matter.

Sincerely,

(Your Signature)

(Your Name Typed)

(Your Title Typed)

d. Sample Emergency Disclosure Form

(Must be on the investigating agency or department letterhead and sent from an official governmental email address.)

Dear Custodian of Records:

I request release of records for the Experience Project account associated with _____(username, email address, or phone number) on an emergency basis pursuant to 18 U.S.C. § 2702(b)(8) and § 2702(c)(4).

I have provided below answers to the following questions in enough detail as I am able in order to provide a good-faith basis for releasing records on an emergency basis:

- What is the nature of the emergency involving a danger of death or serious physical injury?
- Whose death or serious physical injury is threatened?
- What specific information in Experience Project's possession related to the emergency are you requesting?

Signature of Sworn Officer Printed Name of Sworn Officer

Agency Date