



COMPLIANCE GUIDE FOR
LAW ENFORCEMENT

Yahoo! Compliance Team
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TABLE OF CONTENTS

I.	Yahoo! Legal Contact Information.....	3
II.	General Information.....	3
III.	Yahoo! Properties	4
	❖ General Information about Yahoo! IDs.....	4
	❖ Yahoo! Mail.....	5
	❖ Chat/Messenger	6
	❖ Yahoo! Groups.....	6
	❖ GeoCities	7
	❖ Yahoo/SBC IDs	7
IV.	General Yahoo! Minimum Retention Policies.....	7
	❖ Basic Subscriber Information	7
	❖ Member IP Addresses.....	8
	❖ Mail.....	8
	❖ Yahoo! Messenger	8
	❖ Yahoo! Groups.....	8
V.	Preservations:.....	8
	❖ General Guidance	8
	❖ Sample Preservation Request Letter.....	10
VI.	Service of Process.....	11
	❖ Sample Language for Preservations, Subpoenas, Court Orders and Search Warrants.....	11
	Sample Subpoena Wording for Identification of a Yahoo! User.....	11
	Sample Subpoena Wording for Information About a Yahoo! Group and its Moderators	11
	Sample Search Warrant Wording for Information Related to a Yahoo ID.....	11
	Sample Search Warrant or 2703(d) Order Wording for Information about a Group and its contents.	12
VII.	Cost Reimbursement Policy.....	12
VIII.	Emergency Disclosures.....	13
IX.	Consents.....	16
	❖ Sample Consent to Search Form.....	17

I. YAHOO! LEGAL CONTACT INFORMATION

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

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 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 or addenda to this manual.

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 vast 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 seek to 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 USC § 2701, et seq. ("ECPA").

Furthermore, law enforcement should be aware that a significant portion of information that is subpoenaed from Yahoo! each year is publicly available information that can be viewed without any assistance from Yahoo!. For example, Yahoo! profiles can be searched through the Yahoo! member directory which is located at <http://members.yahoo.com>. Similarly, information about auctions posted by specific

users can also be found online. As a general rule, Yahoo! strongly recommends that you visit Yahoo!'s help pages before you seek to obtain information from Yahoo!. Yahoo!'s help pages are very informative and will either help you to frame your requests more accurately, or provide you with all the information you need to find the requested information on your own. A menu to all of Yahoo!'s help pages can be found at <http://help.yahoo.com>.

III. YAHOO! PROPERTIES

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 hundreds of millions of individuals worldwide. Starting with its comprehensive, hand-built directory as well as the popular "My Yahoo!" service, Yahoo! offers a broad and deep array of communications, commerce and content services in over 100 distinct properties that lead consumers to make Yahoo! their home on the Internet and wireless devices. As part of its ongoing commitment to enhance people's ability to connect with anyone around the world, Yahoo! offers communications services that include Yahoo! Mail, Yahoo! Messenger, Yahoo! Calendar, Yahoo! Chat, Yahoo! Greetings, Yahoo! Groups and Yahoo! Photos. One of the world's largest enablers of consumer transactions on the Web, the company offers commerce services such as Yahoo! Shopping, Yahoo! Auctions, Yahoo! Finance and Yahoo! Travel. And through partnerships with hundreds of premier content providers, Yahoo! offers content and media programming in popular areas of interest, including Yahoo! Sports, Yahoo! Music, Yahoo! Movies, Yahoo! News and Yahoo! Games.

Because of the differences among the many properties and 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. Although 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, the section that follows provides some basic guidance as to the information most requested by law enforcement from Yahoo!'s most significant properties, including Yahoo!'s normal retention periods and the legal process that will allow for the most efficient and prompt 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. For each Yahoo! ID, Yahoo! may have the following information: name, home address, business address, phone, time zone, birthday, gender, occupation, alternate e-mail address, linked Yahoo! IDs, 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 asking Yahoo! for subscriber information.

In addition, Yahoo! also can determine whether a user has requested a new password and when such requests were made, whether a user has configured the "My Yahoo" service, whether the user has a public profile¹ and whether the user 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 user.

Because Yahoo! provides services to hundreds of millions of users and its services are predominantly free, Yahoo! has no business need to retain content deleted by users. Quite the opposite, Yahoo!'s incentive is to remove such materials from its servers as quickly as possible to free up storage space for additional information. Accordingly, Yahoo! will be unable to search for and produce deleted material, including e-mail and Group posts, unless such request is received within 24 hours of the deletion. In any case where deleted content is recovered, Yahoo! will seek reimbursement for any engineer time incurred in connection with the request.

❖ Yahoo! Mail

Yahoo! has both free mail services 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 e-mail client. Yahoo!'s free mail services are subject to certain size limitations. Currently, Yahoo! mail users cannot send messages over 3.0MB in size and have a total mail storage limitation of 4.0MB for their mail folders, including items placed in the user's trash folder. When a mail storage quota is reached, all messages sent to that Yahoo! e-mail address will be returned to the sender with a message that the user has exceeded his storage capacity. Users of Yahoo!'s premium mail services can purchase storage space up to 100MB along with the ability to send larger messages.

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 compose and send the e-mail, 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! e-mail was sent, Yahoo will have no additional information other than what is visible in the message itself. The relevant line from the header will 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.

¹ A user's Yahoo! profile is available to the public through the member directory located at <http://members.yahoo.com>.

❖ Chat/Messenger

For Yahoo! Chat and Instant Messenger, Yahoo! retains limited information. Yahoo! does maintain 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 5-10 days only). Beyond the time and date of log-ins and the identity of other Yahoo! users who may be on a user's "Friends List," Yahoo! can also 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 5-10 days, but not the contents of the communication.

Yahoo! users can archive any and all communications through Messenger or Chat, with the archives stored locally on their PC, or whatever media they designate. If a user has archived Messenger communications, such archives can be viewed locally through the Messenger client resident on the user's computer.

❖ 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 moderator who sets the topic and rules for the Group, including whether membership is open to the public or private, and whether or not the Group is listed in the Group directory. Each member can also select whether they want to receive every e-mail message sent to the Group, a digest of messages, or whether they want to receive no-mail and read messages only through the Groups website. Each Yahoo! Group has several sections available on the Group website. These sections include Messages, Files, Photos, Links, Polls, Calendar, Database and contain the content that their name would suggest. These sections may be used or unused, depending on the Group, although Messages is generally always used. In addition to the materials from these sections, a member list, including a list of all current members of the Group, their e-mail address and when they joined the group is also available.

For Groups that are publicly accessible to other Yahoo! users, all of the Groups' content, including the Yahoo! ID and e-mail addresses of the moderator(s) is available through the Group's website. That is, 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 the 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! does maintain information about Group moderators, as well as a Group activity log. 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 by Yahoo!.

Although the Group Message archive maintains all messages sent to the Group, the message archive does not contain any attachments to the messages. Those attachments are not maintained in any form by Yahoo!.

❖ **GeoCities**

Yahoo! operates GeoCities, a web-hosting service that provides both free and premium hosting options. All GeoCities Free sites come with a "www.geocities.com/your-Yahoo!-ID" web address. Premium GeoCities members can also register (or transfer) their own domain name and host their website with GeoCities. If a website is hosted by GeoCities, Yahoo! will have basic information about the user who posted the page. Yahoo! will also have all of the active files that the user has uploaded to the website, including the date on which the file was uploaded.

❖ **Yahoo/SBC IDs**

Yahoo! has a co-branded service with SBC. For SBC Yahoo! DSL and Dial customers, SBC provides users with Internet access and Yahoo! provides content and communications services available through the Yahoo! network. Many users who have a SBC or SBC-affiliated company e-mail address may be SBC Yahoo! customers (for example, users with e-mail addresses ending with @sbcglobal.net may be SBC Yahoo! customers). With regard to such customers, SBC has the primary customer relationship with the owner of the e-mail address and charges for access and bundled Yahoo! services are billed directly to the customer's telephone bill. Accordingly, in all cases, directing legal process first to SBC, and not Yahoo!, is most appropriate. For some users, SBC may indicate that Yahoo! also has information about the user because the user has linked their SBC account with a Yahoo! ID. In such circumstances, SBC will alert law enforcement to the fact of the linked accounts or direct law enforcement to Yahoo! for more information. In these instances, Yahoo! may also have information about the user as well as e-mail contents from the linked Yahoo! account.

IV. GENERAL YAHOO! MINIMUM RETENTION POLICIES

❖ **Basic Subscriber Information**

Yahoo! IDs remain active so long as the member has used the Yahoo! ID in the prior eighteen (18) months. After 18 months of inactivity, the ID may be deactivated and the data deleted. Where available, basic subscriber information that will be provided in response to criminal or administrative subpoenas includes all information about the user provided to Yahoo! during the registration process, with the exception of information not specifically enumerated in 18 USC 2703(c)(2), such as date of birth, gender, and occupation.

❖ **Member IP Addresses**

Yahoo!'s live servers retain IP Addresses in an accessible format for 21 days on a rolling basis. Yahoo! has collected the IP Address used to register a Yahoo! ID ("reg from IP") for Yahoo! IDs requested in the past 5 years. 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 (please see basic subscriber information above).

❖ **Mail**

Yahoo! retains a user's incoming mail for so long as the user chooses to store such messages in their mail folders and the user's e-mail account remains active. Yahoo! may set an e-mail account to inactive status and delete all account contents after four (4) months of inactivity. Yahoo! retains a user's sent mail only if the user elects to keep a copy of sent mail. All mail folders, including sent mail and mail that a user has moved to the trash folder count against user's overall storage limits. Accordingly, the availability of old mail messages depends on the services, if any, purchased by the user and the user's mail usage habits. Once the trash folder has been emptied, however, which usually occurs automatically within 24 hours of when the user has deleted messages, Yahoo! will be unable to search for and produce deleted emails.

❖ **Yahoo! Messenger**

Yahoo! Messenger and Chat log-ins are available for approximately 5 to 10 days on a rolling basis. Within a period of approximately 5 to 10 days, Yahoo! can provide information about when users logged in to either Chat or Messenger, what IP address was being used at the time, and with whom they communicated. In order to search for records, a Yahoo ID must be provided, as Yahoo! cannot search these records based on real name.

❖ **Yahoo! Groups**

For current Groups, Yahoo! retains information relating to the moderator, members, and the contents of the Files, Photos and Messages sections. Yahoo! does not maintain any attachments to messages that were sent to Groups members. If a Group has been deactivated or deleted, information about the Group will be preserved for a minimum of 60 days, after which the information may be deleted.

V. PRESERVATIONS:

❖ **General Guidance**

Pursuant to 18 USC 2703(f), Yahoo! will preserve information related to a subscriber or customer for 90 days, which period may be extended by a second request. 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. When formal legal process is subsequently issued, the initial preservation request should be referenced (by date and case name or number) in order to ensure that the preserved information is produced. Also, when drafting the subsequent legal process, 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 be available between the preservation date and the date of the request.²

² Please note that Yahoo! is not able to conduct ongoing surveillance of a user's account in response to a preservation request involving requests for e-mails and other content information sent after the preservation letter. Such requests will require the appropriate surveillance orders (such as a Title III Order).

❖ Sample Preservation Request Letter

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

Dear Custodian of Records:

Our agency is conducting an ongoing criminal investigation that involves one or more Yahoo! users. As part of that investigation, we are requesting that information related to the *Yahoo! ID/ Yahoo! e-mail address/ Yahoo! Group* listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all (subscriber information, account contents, Group information) related to the following customer or subscribers:

Yahoo! IDs: _____

Yahoo! e-mail address: _____

Name: _____

Address: _____

Additional Identifying Information (e.g. DOB, Credit Card No:)

At this time we are expecting to obtain formal legal process in the next 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.

VI. SERVICE OF PROCESS

Yahoo! will generally accept service of criminal grand jury or administrative subpoenas for the production of documents by fax. **Yahoo! will not, however, accept service by fax of any subpoena purporting to call for the in-person testimony of Yahoo! witnesses.** If requested, Yahoo! will provide a certification of authenticity along with the production of records.

❖ **Sample Language for Preservations, Subpoenas, Court Orders and Search Warrants**

1. 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.com", to include name and address, date account created, account status, Yahoo! e-mail address, alternate e-mail address, registration from IP, date ID registered, and last known IP addresses.

(If Credit card numbers are sought, please identify any Yahoo! premium service used by the subscriber, if known and insert: "any credit card numbers used by the Yahoo! user to pay for Yahoo! premium services, including _____)."

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

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

Any and all records regarding the identification of the moderators of the Yahoo! Group listed above, to include name and address, date account created, account status, Yahoo! e-mail address, alternate e-mail address, registration from IP, date ID registered and closed, and last known IP addresses.

3. Sample Search Warrant Wording for Information Related to a Yahoo ID.

Any and all Yahoo! accounts for _____ or for Yahoo! ID _____, to include all subscriber information, such as name and address, date account created, account status, Yahoo! e-mail address, alternate e-mail address, registration from IP, date ID registered, and last known IP addresses.

(If information related to e-mail content is sought, add)

For the subscriber identified in Paragraph A above, the contents of any and all e-mails stored in the subscriber's Yahoo! account.

(If information related to stored Yahoo! Files and Yahoo! Photos is sought, add)

Any and all contents of electronic files that the subscriber has stored in the subscriber's Photos and Briefcase areas

(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

(If information related to Yahoo! Auctions is sought, add)

Any and all auctions currently or previously posted by the subscriber for the period dated _____ to _____, including information related to the product sold, the identity of the buyer, and the transaction price at which the auction was completed, or the bid price at the time the auction was stopped.

4. 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.³

VII. COST REIMBURSEMENT POLICY

For all subpoena requests, Court Orders, or search warrants requiring the expenditure of Yahoo! resources, reimbursement is mandatory under ECPA (*See* 18 U.S.C. 2706). Yahoo! retains the right to waive such reimbursements at its discretion, which Yahoo! will generally exercise in cases involving narrowly tailored requests pertaining to immediate threat of serious bodily harm or cases involving the abduction or exploitation of children. Yahoo! will seek reimbursement based on the actual time expended by

³ All productions of the Group Activity Log will be accompanied by an explanatory key. Please do not contact Yahoo! with questions without first reviewing the key.

Yahoo!'s compliance staff in complying with the request. The average costs related to compliance matters is listed below for your convenience. These estimates are neither a ceiling nor a floor, but represent the average costs of the typical search. 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.

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 mail:
approx. \$30-\$40 per user*

*Contents of Groups:
approx. \$200-\$300 per Group*

VIII. EMERGENCY DISCLOSURES

Under 18 U.S.C. §§ 2702(b)(7) and 2702(c)(4) Yahoo! is permitted, but not required, to disclose information, including contents of communications, and customer records voluntarily to a federal, state or local governmental entity, if Yahoo! believes in good faith that an emergency involving 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. 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.

If you need to get in touch with Yahoo! after hours for an emergency request, the most reliable way is to go through the San Jose FBI office, which has current pager information and can page the appropriate Yahoo! personnel. Alternatively, you can contact Yahoo! security directly at 408-349-5400, but this route may not necessarily be as efficient for an emergency response.

**Yahoo! Emergency Disclosure Request Form
(to be completed by Law Enforcement)**

Please complete this form to assist Yahoo! in exercising its discretion to disclose information to you pursuant to 18 U.S.C. § 2702(b)(7) and § 2702(c). If you are unable or unwilling to answer a specific question in writing, you may call 408-3493687. If this information is not supplied in some form, however, it is unlikely that Yahoo! will choose to exercise its discretion to make any emergency disclosures.

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? (i.e., do you have information that suggests that there is a specific deadline to receive the information before the act indicated in response to Question 1 will occur (i.e., 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? (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.)

Note: If Yahoo! makes emergency disclosures pursuant to 18 U.S.C. § 2702(b)(7) or § 2702(c), you agree that Yahoo! would be entitled to reimbursement for costs and fees pursuant to 18 U.S.C. § 2706, if Yahoo! requests such reimbursement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Printed Name and Title

Signature

IX. CONSENTS

In order for Yahoo! to turn over any information to law enforcement based on a user's consent to search, Yahoo! must verify the account of the user whose information is being sought. Along with the user's signed consent and a detailed request of the information the user is requesting from Yahoo!, the user must provide the following information to Yahoo! in writing. Yahoo! will only produce records based on consent if all of the provided information matches the information that Yahoo! has on file, otherwise proper legal process will be required.

❖ **Sample Consent to Search Form**

(This request must be accompanied by 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! IDs _____, 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:

My login name/Yahoo! ID is _____
My Yahoo! e-mail address is _____
My alternate e-mail address is _____
The birthday I provided is _____
The answer to my secret question is _____
My city, state and zip is _____
My gender is _____

Yahoo! user's signature

Date