

MySpace.com

Law Enforcement Guide

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Custodian of Records
MySpace.com
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Law Enforcement Telephone Hotlines:

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LawEnforcement@MySpace.com

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I. Preface

MySpace.com (“MySpace”) is committed to assisting law enforcement, to the extent permitted by law, in investigations related to unlawful activity. This Law Enforcement Guide is designed to serve that purpose by providing information to facilitate law enforcement requests for user data held by MySpace. The Guide specifies what information is collected by MySpace, how long that information is retained, how to tailor requests to ensure MySpace produces the specific information sought, and the legal process necessary to permit MySpace to disclose different types of information. Finally, the Guide provides contact information for MySpace personnel dedicated specifically to responding to law enforcement requests, including emergency requests.

Because MySpace wishes to prioritize law enforcement requests, it has established dedicated lines of communication reserved solely for law enforcement. This Guide is intended solely for use by bona fide law enforcement agencies and may not be distributed to any other person or organization without the express written authorization of MySpace. MySpace will require verification that the person requesting this Guide is a bona fide law enforcement officer or acting on behalf of a law enforcement agency or prosecutor’s office prior to releasing this Guide.¹

II. General Information about MySpace and Law Enforcement Requests

The MySpace service empowers millions of users to communicate with a worldwide network of friends. MySpace is a free online social networking service that allows users to create their own profile pages, which can include lists of their favorite musicians, books and movies, photos of themselves and friends, and links to pages within and outside the MySpace environment. The service also permits users to send and receive private messages (the functional equivalent of emails) with other MySpace users, and to restrict the disclosure of certain information (blogs, profile information) exclusively to their MySpace friends. Users have extensive control over their own accounts, both with regard to the identity information they provide, and in their ability to retain or delete information stored in their profiles. Finally, the MySpace site has extensive help pages that may assist law enforcement in determining if the information sought is publicly available, and may further assist law enforcement in understanding the particular features offered. The MySpace help pages can be found via a link at the top right hand corner of the MySpace.com home page.

MySpace is committed to assisting law enforcement investigations to the fullest extent, consistent with applicable law. The primary set of laws governing MySpace’s ability to disclose

¹ This Guide is the property of MySpace and MySpace reserves the right to change any of the policies stated in this Guide at any time without notice. MySpace will make reasonable efforts to inform law enforcement of any significant changes in policies or procedures through updates to this Guide. The information in this Guide is not intended to create any enforceable rights against MySpace.

user information is found in the Electronic Communications Privacy Act, 18 U.S.C. § 2701, et seq. (“ECPA”). ECPA mandates that MySpace may 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 permits the disclosure of basic user identity, log-in information, and stored files in response to a subpoena; but requires a court order under § 2703(d) to disclose additional user records (such as message headers), or a search warrant to authorize disclosure of content (such as private messages). Should you seek further clarification about ECPA’s restrictions on providers like MySpace, we suggest you contact the Department of Justice’s Computer Crime and Intellectual Property Section (CCIPS) at 202-514-1026.

III. Information Collected and Retained, and Legal Process Required

A. Information Overview

MySpace has four basic types of information about its users that may be relevant to a criminal investigation: 1) basic identity/subscriber information supplied by the user in creating the account; 2) IP log-in information captured by MySpace from the user’s computer; 3) files stored in a user’s profile (such as “about me” information or lists of friends); and 4) user sent and received message content. Depending on the type of information sought, ECPA may require the use of a different form of legal process, and the period MySpace retains the information may differ. In order to assist law enforcement in narrowly tailoring its requests and ensuring the necessary process is provided, we identify below the specific categories of information and corresponding process required to lawfully produce that information under ECPA. When drafting subpoenas, court orders, or search warrants, please be as specific as possible about the profile at issue, and the nature of the information sought. Clearly worded requests will reduce confusion, enable MySpace to respond more quickly, and ensure that no issues arise under ECPA limiting MySpace’s ability to comply.

B. Public vs. Private Profiles

Please note that users may choose whether to make certain profile information (e.g., their “about me” details, blogs, and friends lists) publicly viewable and available to anyone visiting their profile (including law enforcement), or to keep it private and limited only to the MySpace “friends” of their choosing. For public profiles, law enforcement may access and save screen shots of publicly available information without involvement by MySpace. Because users can change the content on their profile and change the status from public to private at any time, MySpace encourages law enforcement to preserve content on public profiles themselves by using screen shots (preserving electronic copies of html files).

C. Identifying the “Friend ID”

As a threshold matter, given the size of MySpace’s user population, it is critical and required that the ‘FriendID’ of the relevant account be included in the legal process. The FriendID can be located in the web address of the profile in question.

Example of FriendID for Tom's profile:

<http://www.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=6221&Mytoken=20050518161358>

The above FriendID in this example is '6221'. This unique number allows us to locate the profile. If the profile appears as 'MySpace.com/Tom', click on the 'View More Pics' link. This will display the following link:

<http://viewmorepics.myspace.com/index.cfm?fuseaction=user.viewPicture&friendID=6221&friendName=Tom&Mytoken=20050829192700>

The FriendID can then be located in the URL.

D. Specific Categories of Information Retained and Associated Legal Process Required

1. Basic user identity information

Type of Information Available: date profile created; first and last name provided by user; user ID; e-mail address provided by user; zip code, city, and country provided by user; account creation date and time; and the IP address at time of sign-up.

Process required: Grand jury subpoena, administrative subpoena or civil investigative demand pursuant to 18 U.S.C. § 2703(c)(2); or court order; or search warrant; or user consent.

2. IP address logs

Type of Information Available: Logs showing the IP address assigned to the user and the date stamp at the time the user accessed his or her profile (PST or PDT, depending on the date of log-in).

Process required: For historical records - grand jury subpoena, administrative subpoena or civil investigative demand under 18 U.S.C. § 2703(c)(2); or court order; or search warrant; or user consent. To capture log-in IPs prospectively - a Pen Register/Trap and Trace Order under 18 U.S.C. § 3121.

3. Private messages and bulletins

Type of Information Available: the contents of private mail messages and/or bulletins sent from and held for users on MySpace servers.

Process required for messages less than 180 days old: Search warrant under 18 U.S.C. § 2703(a); or user consent.

Process required for messages over 180 days old: Subpoena or court order where the government provides prior notice to the subscriber (or delays notice under 18 U.S.C. § 2705) for messages over 180 days old; or search warrant; or user consent.

4. Stored user files (photos, videos, blogs)

Type of Information Available: Profile information including photos, videos, blogs, blog comments by other users, the identities of their friends, and “About Me” entries.

Process required: A grand jury or administrative subpoena, civil investigative demand; or court order where the government provides prior notice to the subscriber (or delays notice under 18 U.S.C. § 2705). 18 U.S.C. § 2703(b)(2); or search warrant; or user consent.

5. Other general records or information

Type of Information Available: user’s date of birth, gender, hometown, and occupation, as well as historical private message header information, excluding subject.

Process required: Court order under 18 U.S.C. § 2703(d); or search warrant; or user consent.

E. MySpace Retention Periods

The retention periods identified below reflect MySpace’s retention of user data in the normal course of business. MySpace honors all law enforcement preservation requests made during the period the data is available. MySpace also automatically preserves the data of users who are identified as registered sex offenders and removed from the MySpace site pursuant to MySpace’s Sentinel SAFE project.² Please note that all retention periods are estimated and may vary depending on system conditions and other circumstances.

1. Active Accounts

a. Basic user identity information, stored user files, and general records:

The basic identity information entered by a user in creating a profile, all data displayed on the profile (blog entries, about me information, etc.) and all stored files (images and videos) contained in an account are maintained as long as the user has not edited the data or removed the files from the profile. Once a change is made by the user, the previously existing information is overwritten. Upon receipt of a preservation request, however, MySpace will capture all user data available at that time, and future actions by the user will not affect the preserved data.

² MySpace’s Sentinel SAFE project is designed to identify and remove from the MySpace site any users identified as registered sex offenders. MySpace deletes all profiles identified by the Sentinel SAFE process as RSOs within approximately 24 hours of making a conclusive match. Importantly, when MySpace deletes a profile as a result of a registered sex offender match with the Sentinel SAFE database, the information contained in and related to the profile, including photos, private messages, etc. are preserved by MySpace. Upon receipt of the appropriate legal process for the information sought, MySpace will promptly produce this preserved user information.

b. IP address logs:

The IP Log for each FriendID is logged after every log in to the MySpace system. The IP Log for each FriendID is available for one year after the applicable login on the account. This data cannot be modified by the user once it is recorded.

c. Private messages and bulletins:

Private messages in a user's inbox are available until the user removes them. MySpace does not maintain copies of messages marked for deletion by a user and cannot recover deleted messages. Private messages in a user's sent box are retained for 14 days unless the user has manually deleted them.

2. Deleted Accounts

a. Basic user identity information, stored user files, and general records:

User identity information is available for one year after account deletion. Other stored files, such as photos, may be lost at the time of account deletion.

b. IP address logs:

MySpace retains Friend ID, IP Address and Login time and date stamps dating back one year.

c. Private user communications:

No private messages (inbox or sent mail) are available for deleted accounts (except those deleted through our Sentinel SAFE project).

IV. Information that may Reside on a MySpace User's Computer (not with MySpace)

Available Forensic Evidence includes:

A. Instant Messenger Chat Logs: MySpace Messenger IM Client logs may be stored to the local machine. The default pathway for these logs is C:\Documents and Settings\USERNAME\Application Data\MySpace\IM\Conversations. For a machine running Windows Vista, the default pathway is C:\Users\USERNAME\AppData\Roaming\MySpace\IM.

B. Cookie Data: If a user logged into that machine accessed MySpace.com, and did not clear their cookies, you can locate cookies in the C:\Documents and Settings\Username\Cookies directory. The cookies will be named 'username@word.myspace.com'

C. Cached MySpace Pages: Electronic copies of viewed MySpace pages will be stored to the local machine temporarily (until the user or machine flushes them out). The default

location for these files is C:\Documents and Settings\Username\Local Settings\Temporary Internet Files. Images viewed by the user that were stored on MySpace will also be stored here.

D. Stored login information: Sites and browsers allow users to 'save' their login settings. Check form fields in the browser to see if they have pre-populated information.

V. Requests to Preserve Records

MySpace honors requests by law enforcement to preserve information in accordance with 18 U.S.C. § 2703(f). In response to such requests, MySpace will preserve the specific information identified in the request for up to 180 days and will extend the preservation as necessary at your request. Please email or fax a signed letter on law enforcement agency letterhead requesting that MySpace preserve the records to 310-356-3485. Please specifically list the particular information that you seek to preserve, and limit your preservation request to information for which you intend to seek legal process. Attached in our form section is a sample letter for a preservation request.

MySpace can only preserve a currently active (non-deleted) account. Please note that once information in an active account has been preserved, the following will occur unless other arrangements are made with MySpace and indicated in the request:

- The account will remain publicly viewable; and
- The user will be prevented from logging into the account.

If restricting the user's access to the profile will impede an investigation, you must specifically request in the letter that the subject account should not be locked. In such cases, MySpace will output to a flat file the specific information for which preservation is sought that is available at the time the request is processed. Because the user will retain access to the account, please note that any interim changes to account information made between the time the flat file is created and the ultimate legal process is served may not be retained. Accordingly, when serving follow-up legal process for information previously the subject of a preservation request, please specify that the request seeks both the information preserved and any existing updated user profile information. Please also reference any prior preservation requests so that we may respond to your legal process more efficiently.

VI. Service of Process and Production of Records

In order to streamline the process for satisfying law enforcement requests, MySpace will accept service of all subpoenas, court orders, search warrants, emergency requests and user consents by fax (310-356-3485), by email to compliance@myspace.com or mail (at the address on the cover of this Guide). MySpace will also accept service and produce documents in response to out-of-state domestic subpoenas, court orders, and search warrants.

MySpace's preferred method for producing information in response to legal process is to submit the information in an Excel spreadsheet sent via e-mail. MySpace can also provide a signed authentication letter for the production by PDF or Fax. Accordingly, where possible,

please specify on the applicable subpoena, order or warrant (or cover letter) the email address to which results can be sent and where an authentication letter can be faxed (if you prefer to have the letter faxed).

VII. Interpreting Information Produced by MySpace

The explanations provided below are intended to assist law enforcement in understanding the meaning of the information produced by MySpace, and respond to the most frequently asked questions about MySpace productions.

A. Email Address

Please note that an email address consists of two parts: A username and then the domain that hosts the email account.

Example: Abuse@MySpace.com

‘Abuse’ is the username and all information after the ‘@’ belongs to the domain (which in this case is MySpace.com). Therefore, you should contact MySpace.com to make inquiries about the username ‘Abuse’. If the email domain belongs to a different ISP (e.g., MSN, AOL, Yahoo, or Gmail), then information about that email address should be sought from that provider.

B. IP Address Logs

IP (Internet Protocol) Logs include the IP address assigned to the user (by their ISP (Internet Service Provider)) at the time of login, and also include a date stamp showing when the login occurred. All IP logs provided by MySpace.com are Pacific Standard or Pacific Daylight Time, depending on the date of log-in. Please refer to the month and day on the log to determine whether PDT or PST is applicable.

Example: 67.134.143.254 08/22/2005 3:15 PM PST

You can find out which Internet Service Provider the IP address belongs to by performing a “Whois” lookup on the IP address at any of the following sites:

<http://whois.domaintools.com> or <http://www.networksolutions.com/cgi-bin/whois/whois>

The IP Address in the example above (67.134.143.254) generated the following result:

Qwest Communications QWEST-BLKS-5 (NET-67-128-0-0-1)

67.128.0.0 - 67.135.255.255

This result means the IP address belongs to Qwest Communications. Qwest Communications could be contacted to provide the information about what individual or company was using that IP address at that date and time.

C. Private Messages

Private messages will be produced in Excel spreadsheet form, with two separate tabs on the bottom of the spreadsheet for messages. One tab is the 'Sent From User' messages (user's sent mail) and the other is 'To User' (user's inbox).

The spreadsheet for private messages will have the following five headers:

ToUserid	FromUserid	Subject	Body	CreatedDate
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ToUserid is the FriendID of the account the message is sent to.

FromUserid is the FriendID of the account the message is sent from.

Subject is the subject line of the message in question.

Body is the actual content of the message.

CreatedDate is the date stamp of the message.

Example:

ToUserid	FromUserid	Subject
6221	22234567	RE: Welcome to MySpace.com

Body

Thank you Tom for the welcome!

----- Original Message -----

From: <A
HREF='http://www.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=6221&Myt
oken=20050423222742'>Tom Date: Apr 23, 2005 4:49 PM

Hi, My name is Tom! Welcome to MySpace

CreatedDate

4/23/2005 22:29

Please note the '----- Original Message -----' in the body of the message and the 'Re' ("Regarding") in the subject line shows that the user in question is responding to an existing private message sent to him. The responding email shows who the original sender is, as well as the time and date sent.

VIII. User Consent

Because ECPA provides an exception for disclosures of information with the consent of the user, MySpace will disclose information based on user consent obtained by law enforcement where sufficient information is provided to verify that the person providing the consent is the actual creator of the profile, and where law enforcement endorses the authenticity of the consent. Accordingly, in addition to a description of the specific information sought, the user must provide the information called for in the sample Consent Form set out below. MySpace will be unable to release the information if the user is unable or unwilling to provide registration information that correlates to the information in MySpace user records.

IX. Emergency Disclosures

Under 18 U.S.C. §§ 2702(b)(8) and 2702(c)(4), MySpace is permitted to disclose information, including user identity, log-in, private messages and other information voluntarily to a federal, state, or local governmental entity when MySpace believes in good faith that an emergency involving danger of death or serious physical injury to any person requires such disclosure without delay. MySpace will disclose records to assist law enforcement in the case of emergencies meeting ECPA's threshold requirements. Accordingly, we request that law enforcement provide information in writing sufficient to show the existence of the emergency. If you find it useful, you may provide the information requested in MySpace's Emergency Disclosure Form (contained below) on your Law Enforcement letterhead. Providing such information will ensure that true emergencies receive the swiftest response. The Emergency Disclosure request must be submitted by a law enforcement officer.

For emergency law enforcement requests, MySpace also reserves a special telephone hotline that MySpace staffs 24 hours a day/7 days a week. The emergency hotline is 888-309-1311.

X. Sample Language for Requests

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

A. Sample Subpoena Language for Basic User Identity Information and IP logs:

Records concerning the identity of the user with the FriendID ##### consisting of name, postal code, country, e-mail address, date of account creation, IP address at account sign-up, and logs showing IP address and date stamps for account accesses

B. Sample Search Warrant Language for User Information Including Private Messages:

Records concerning the identity of the user with the FriendID ##### consisting of name, postal code, country, e-mail address, date of account creation, IP address at account sign-up, logs showing IP address and date stamps for account accesses, and the contents of private messages in the user's inbox, and sent mail folders.

C. Sample Preservation Request Letter

(Must be on law enforcement department letterhead)

Custodian of Records
MySpace.com
407 N. Maple Drive
Beverly Hills, CA 90210

Re: Preservation Request

Dear Custodian of Records:

The below listed account/profile 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 following information associated with said account/profile be preserved pending the issuance of a search warrant or other legal process seeking disclosure of such information: [Specify information to be preserved]. I understand that MySpace.com will lock the profile/account in question, thereby rendering the account inaccessible to its owner.

Profile URL:

FriendID:

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 Consent Form

(Must be on the investigating agency or department letterhead)

I, "XYZ", being duly sworn, on this [insert date] do hereby state the following:

I have one or more profiles on MySpace.com.

The URLs / FriendIDs are:

I understand that the "ABC" agency is conducting an official criminal investigation and has requested that I grant my consent to authorize the "ABC" agency to access, request, receive, review, copy and otherwise utilize, as they deem appropriate, the following information from the above profiles: [specify information sought]

I hereby authorize MySpace.com to provide to any agent of the above referenced agency, the above-specified information associated with my identified MySpace.com profiles/accounts.

The following information should be used to verify my identity:

Email address for account: _____

Password for account: _____

Date of birth for account: _____

Zip Code for account: _____

Pursuant to this Consent, I waive any claims against, indemnify and hold harmless MySpace.com, its affiliates, and their respective directors, officers, agents, and employees from and against any claims, damages or expenses relating to or arising from, in whole or in part, the disclosure of such information, records and data.

I have not been promised anything in exchange for providing this consent and authorization.

In witness whereof, the undersigned makes the above statements under penalty of perjury.

Member Signature and Printed Name Date

Law Enforcement Witness Signature, Printed Date
Name and Printed Title

E. Sample Emergency Disclosure Form

(Must be on the investigating agency or department letterhead)

Emergency Disclosure Form

Please complete this form to assist MySpace in exercising its discretion to disclose information to you pursuant to 18 U.S.C. § 2702(b)(7) and § 2702(c).

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 specific information in MySpace's possession related to the emergency do you need?

Signature of Officer

Printed Name of Law Enforcement Officer

XI. Websites and Resources

www.myspace.com/safety - MySpace.com's Safety Tips section which includes a section dedicated to parents concerned about their child's Internet use.

United States Department of Justice, Computer Crime and Intellectual Property Section, www.cybercrime.gov - DOJ guidance on authorities governing obtaining electronic evidence.

United States Department of Justice, Office of Justice Programs, National Institute of Justice - publishes an investigative guide for electronic crime. The information contained in Electronic Crime Scene Investigation-A Guide for First Responders (available free of charge and downloadable from the Department of Justice website (www.ncjrs.org/pdffiles1/nij/187736.pdf)) helps line officers perform their jobs.

www.ncmec.org - National Center for Missing and Exploited Children website.

XII. Information to Provide to Parents and Schools

A. Parent Resources

MySpace offers information for parents concerned about their child's use of MySpace on the bottom of every single MySpace.com page.

www.myspace.com/safety is the web address for the Safety Tips section. Click on the 'Tips for Parents' tab to access the parent section.

This area offers:

Internet safety tips for parents to communicate to their child.

Step by step instructions on how to remove a MySpace account.

Links to monitoring software and additional safety related information.

Contact information for MySpace for further assistance.

A parent pamphlet available for download and distribution.

B. School Resources

MySpace has a team dedicated to assisting with school related issues. Please have your local school email SchoolCare@MySpace.com in regards to teacher identity theft, school threats, the school forums on MySpace, or any other school related issue. There is also a School Administrator's Guide available to school administration that they can request at SchoolCare@MySpace.com.