

# Myspace.com

## International Law Enforcement Guide

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## I. Preface

Myspace.com (“Myspace”), owned by Viant Technology Inc., is a U.S. based company. Myspace’s data servers are located exclusively in the United States, and as such, its disclosure of user records and content is subject to United States law. Myspace is committed to assisting law enforcement entities, to the extent permitted by law, in investigations related to unlawful activity. This International Law Enforcement Guide is designed to serve that purpose by providing information to facilitate requests by non-United States law enforcement personnel for user data held by Myspace. The Guide specifies what information Myspace collects, how long that information is retained, how to tailor requests to ensure Myspace produces the specific information sought, and general guidance on these issues. Finally, the Guide provides contact information for Myspace personnel dedicated specifically to responding to international law enforcement requests, including emergency requests.

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. Prior to releasing this Guide, 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.<sup>1</sup>

## II. General Information about Myspace and International 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. 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 bottom left hand corner of the Myspace.com home page.

Myspace is now a worldwide community. Given this worldwide presence, Myspace understands that non-U.S. based law enforcement may seek records pertaining to Myspace users. Myspace is committed to assisting such investigations to the fullest extent, consistent with applicable law.

As a threshold matter, *Myspace’s data servers are located exclusively in the United States, and as such, its disclosure of user records and content is subject to United States law.* The primary set of laws governing Myspace’s ability to disclose 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

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<sup>1</sup> 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.

information to U.S based law enforcement and other third parties only in response to specific types of legal process, including subpoenas, court orders, and search warrants.

In this Guide, Myspace sets out the circumstances in which it may lawfully produce customer records in response to legal process from jurisdictions outside the United States. Generally speaking, Myspace may disclose non-content user information (subscriber and IP logs) upon receipt of the standard local legal process necessary to compel lawful production in the relevant jurisdiction. Because United States law provides heightened protection to the *contents* of user communications, however, non-U.S. entities seeking private messages or stored user files from Myspace must obtain legal process through United States authorities. If your country has signed a Mutual Legal Assistance Treaty (“MLAT”) with the United States, a search warrant or appropriate order can be obtained through the MLAT process or other cooperative efforts with U.S. law enforcement. In the event that your country has not entered into an MLAT with the United States, you may still be able to obtain the appropriate legal process through the use of a letter rogatory, a formal request that a U.S. court issue process sufficient to compel disclosure of documentary evidence, pursuant to 28 U.S.C. § 1781.

### 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 the user supplied to Myspace; 2) IP log-in information Myspace captures 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.

#### 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 to preserve electronic copies of html files. For private profiles, as well as private information on public profiles, Myspace will honor requests to preserve all available data. Myspace will retain this preserved data to allow time for law enforcement to present a valid legal request.

#### C. Identifying the “URL”

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

To locate the URL for a particular profile, please visit Myspace at <http://www.myspace.com>. You can conduct a search by selecting “Search People” located in the navigation bar on the home page. Once you identify the correct profile in the returned results, click on the link. The URL will be found in the web

address bar at the top of the screen. For example, in the web address <http://www.myspace.com/tom>, the URL is tom.

This unique URL allows us to locate the profile.

## 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 or city or county code (if applicable), city, and country provided by user; account creation date and time; and the IP address at time of sign-up. Additional user-related IP logs may also be available, depending on several factors including an individual's date of account creation and specific account activity

*Process required:* Myspace can produce basic user identity information in response to the appropriate process for the jurisdiction where the seeking entity is located. For instance, if the laws of your jurisdiction enable law enforcement entities to lawfully obtain non-content records from providers of social networking and email services via subpoena, then Myspace will accept a subpoena issued in your local jurisdiction for basic user identity information. If your local law requires a search warrant or Court Order, then Myspace will produce upon receipt of that process. Alternatively, basic user identity information can be obtained with verified user consent. Please see Section VIII for further information on the requirements for user consent.

### 2. 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:* Again, Myspace can produce this information in response to the appropriate process for the jurisdiction where the seeking entity is located. For instance, if the laws of your jurisdiction enable law enforcement entities to obtain such data from providers of social networking and email services via subpoena, then Myspace will accept a subpoena for this information. Alternatively, these user records can be obtained with verified user consent.

### 3. 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 created his or her profile (GMT -7 or GMT -8 depending on the date of log-in). Additional user-related IP logs may also be available, depending on several factors including an individual's date of account creation and specific account activity.

*Process required:* As with basic user identity information, Myspace can produce IP address logs in response to the appropriate local process for your jurisdiction. This process is effective only for historical records. Finally, if your case involves an emergency with an immediate threat of death or serious physical injury if the content is not promptly disclosed, Myspace may disclose messages. Please refer to Section IX of this Guide.

#### 4. 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:* In order to obtain the contents of user messages and bulletins, non-U.S. law enforcement entities must obtain the appropriate warrant or process through the Mutual Legal Assistance Treaty (“MLAT”) procedures. If your country is not a participant in an MLAT with the United States, you must formally request assistance from United States law enforcement using the letters rogatory process (see 28 U.S.C. § 1781). Alternatively, Myspace can produce contents of user messages and bulletins in response to verified user consent (see Section VIII). For more information about the MLAT and letters rogatory processes, see Section XI of this Guide. Finally, if your case involves an emergency with an immediate threat of death or serious physical injury if the content is not promptly disclosed, Myspace may disclose messages. Please refer to Section IX of this Guide.

#### 5. 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:* In order to obtain user profile content as described above, non-U.S. law enforcement entities must obtain the appropriate warrant or process through the Mutual Legal Assistance Treaty (“MLAT”) procedures. If your country is not a participant in an MLAT with the United States, you must formally request assistance from United States law enforcement using the letters rogatory process (see 28 U.S.C. § 1782). Alternatively, Myspace can produce user profile content in response to verified user consent (see Section VIII). For more information about the MLAT and letters rogatory processes, see Section XI of this Guide. Finally, if your case involves an emergency with an immediate threat of death or serious physical injury if the content is not promptly disclosed, Myspace may disclose stored user files. Please refer to Section IX of this Guide.

### 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. 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 a user provided to Myspace, 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. Myspace does not retain copies of deleted photos or video content. 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.

b. *IP address logs:*

Myspace maintains IP log-in history for the initial account creation. This data cannot be modified by the user once it is recorded. Myspace may also have additional user-related IP logs depending on several factors including an individual's date of account creation and specific account activity.

c. *Private messages and bulletins:*

Myspace retains Private Messages in a user's inbox dating back one year or 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 90 days after account deletion. Other stored files, such as photos, may be lost at the time of account deletion.

b. *IP address logs:*

Myspace retains IP Address for the initial account creation.

c. *Private user communications:*

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

## 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 entities based outside the U.S. to preserve information while the entity seeks disclosure. In response to requests made through the MLAT or letters rogatory process, Myspace will preserve the specific information for a period sufficient to ensure that information is not purged or deleted while U.S. process is pending. Please email or fax a signed letter on law enforcement agency letterhead requesting that Myspace preserve the records to 310-362-8854 or [compliance@support.myspace.com](mailto:compliance@support.myspace.com). 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;

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 Myspace creates the flat file and law enforcement serves the ultimate legal process 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 legal process, preservation requests, emergency requests and user consents by fax (310-362-8854), by email to [compliance@support.myspace.com](mailto:compliance@support.myspace.com) or mail (at the address on the cover of this Guide).

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. Accordingly, where possible, please specify on the applicable subpoena, order or warrant (or cover letter) the email address to which results can be sent.

## 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 you should seek information about that email address 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:

<https://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&Mytoken=20050423222742'>Tom</  
a> 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 United States law provides an exception for disclosures of information with the consent of the user, Myspace will disclose information based on user consent obtained by non-U.S. law enforcement entities 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 provided herein. 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 United States law, Myspace may disclose information, including user identity, log-in, private messages and other information voluntarily to a law enforcement 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. 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.

## 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. It is important to be as specific as possible when identifying the information you are requesting from Myspace.

### A. Sample 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, and IP address at account sign-up.

## B. Sample Preservation Request Letter

*(Must be on law enforcement department letterhead)*

Custodian of Records  
Myspace.com  
6100 Center Drive, Suite 800  
Los Angeles, CA 90045

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 that you preserve the following specific information while this agency obtains legal process under United States Law pursuant to Mutual Legal Assistance Treaty or the letters rogatory process:  
[Specify information to be preserved]

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)

### C. 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:

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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/City/County/Postal 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 Name and Printed Title      Date

## D. 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 United States law.

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?

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Signature of Officer

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Printed Name of Law Enforcement Officer

## XI. Websites and Resources

United States Department of Justice, Computer Crime and Intellectual Property Section, <http://www.cybercrime.gov> or 202-514-1026 - DOJ guidance on authorities governing obtaining electronic evidence.