

FACEBOOK ACCOUNT SEARCH WARRANT AFFIDAVIT

*CRM
Internet*

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USAGE NOTES:

- This go-by is for obtaining information relating to social networking accounts maintained on Facebook.
- The Facebook law enforcement guide is worth reading and is available on CCIPS Online at <http://10.173.2.12/criminal/ccips/online/library.htm> under "Guides from ISPs."
- Facebook asks law enforcement to contact its Security Department at subpoena@facebook.com to inform Facebook that a legal request may be forthcoming, particularly if the request will seek the production of specific IP logs.
- When Facebook discovers that an account is in violation of the Facebook terms of service, it will disable that account. If it would jeopardize your investigation for Facebook to disable a particular account upon receiving your legal process, you should ask Facebook in writing not to disable the account. Facebook generally complies with such requests, which can be made in a cover letter that accompanies the legal process. However, please note that Facebook may still disable an account if it is independently flagged as being problematic because of independent information that is unrelated to the law enforcement request (e.g., because of user complaints).
- As of December 2009, Facebook is technically limited in its ability to provide complete IP logs (i.e., IP logs that contain content and transactional information, in addition to login IPs). Consult Facebook's law enforcement guide and contact Facebook directly if you need to obtain complete IP logs for a specific time period.
- Fill out your district's AO 93 Search Warrant form this way:
 - Put the following information under "In the Matter of the Search of":
"information associated with Facebook user ID **[[INSERT USER ID NUMBER]]** that is stored at premises controlled by Facebook." Example: "In the Matter of the Search of information associated with Facebook user ID 1234567 that is stored at premises controlled by Facebook"
 - Facebook prefers that legal process identify the account by the Facebook user ID or group ID, which is the number listed after "id=" or "gid=" in the URL for the profile page for the target account. For example, the user ID for the following

Facebook profile is 29445421: www.facebook.com/profile.php?id=29445421. In some cases, a Facebook user will have a unique “vanity name,” also known as a vanity URL, that replaces the user ID or group ID number in the URL for the profile page. A vanity name can also be used to identify a Facebook account. Facebook can also retrieve data based on the user name or group name associated with an account (e.g., “John Smith”); however, because user names and group names are not necessarily unique, it is often best to include additional identifiers for a Facebook account that is identified by user or group name. If ID numbers, vanity names, and associated user and group names are not available, describe the account as “the Facebook account associated with e-mail address name@criminal.com.”

- In the section that asks for the location of the search, write “See Attachment A.”
- In the section that asks for a description of the items to be seized at that location, write “See Attachment B.”
- The certificate of authenticity is not strictly necessary, but it can save you a witness (or the trouble of seeking a certification later). *See* Fed. R. Evid. 902(11) & 803(6).
- Fax the warrant, along with both attachments and the “certificate of authenticity,” to Facebook, which will require Facebook to give the requested data to your agent. The CCIPS ISP Database, available at http://10.173.2.12/criminal/ccips/online/library/ISP_List.zip, contains current contact information for Facebook.
- If necessary, your agent should cull through the data returned by Facebook and isolate material that is not called for by the warrant.

IN THE UNITED STATES DISTRICT COURT
FOR _____

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK USER ID **[[INSERT USER ID
NUMBER]]** THAT IS STORED AT
PREMISES CONTROLLED BY FACEBOOK

Case No. _____

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, **[AGENT NAME]**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain Facebook accounts that is stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered at 151 University Avenue, Palo Alto, California, 94301. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer operating the web sites.

2. I am a Special Agent with the **[AGENCY]**, and have been since **[DATE]**.
**[DESCRIBE TRAINING AND EXPERIENCE TO THE EXTENT IT SHOWS
QUALIFICATION TO SPEAK ABOUT THE INTERNET AND OTHER TECHNICAL
MATTERS].**

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

4. **[[Give facts establishing probable cause. At a minimum, establish a connection between the Facebook account and a suspected crime; mention whether a preservation request was sent (or other facts suggesting Facebook still has the records desired)]]**

TECHNICAL BACKGROUND

5. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

6. Facebook asks users to provide basic contact information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

7. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, to all Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

8. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. A Facebook user can also connect directly with individual Facebook users by sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “Mini-Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

9. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

10. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, a user’s “Photoprint” includes all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

11. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

12. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

13. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

14. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

15. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

16. **[[For requests for information about a Facebook group:** Some Facebook pages are affiliated with groups of users, rather than one individual user. Membership in the group is monitored and regulated by the administrator or head of the group, who can invite new members and reject or accept requests by users to enter. Facebook can identify all users who are currently registered to a particular group and can identify the administrator and/or creator of the group. Facebook also assigns a group identification number to each group. Facebook uses the term "Group Contact Info" to describe the contact information for the group's creator and/or administrator, as well as a PDF of the current status of the group profile page.]]

17. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

18. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

19. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their account, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well records of any actions taken by the provider or user as a result of the communications.

20. Therefore, the computers of Facebook are likely to contain all the material just described, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and account application.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

21. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

22. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that on the computer systems in the control of Facebook there exists evidence of a crime [[and contraband or fruits of a crime]]. Accordingly, a search warrant is requested.

23. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court [[**CHOOSE ONE OR MORE:** [is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).] **AND/OR** [“is in . . . a district in which the provider . . . is located or in which the wire or electronic communications, records, or other information are stored.” 18 U.S.C. § 2711(3)(A)(ii).] **AND/OR** [“is acting on a request for foreign assistance pursuant to [18 U.S.C. § 2711(3)(A)(iii).]]

24. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR SEALING

25. **[IF APPROPRIATE: It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an ongoing investigation into the criminal organizations as not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that online criminals actively search for criminal affidavits and search warrants via the internet, and disseminate them to other online criminals as they deem appropriate, e.g., by posting them publicly online through the carding forums. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.]**

Respectfully submitted,

[AGENT NAME]
Special Agent
[AGENCY]

Subscribed and sworn to before me
on January 27, 2010:

UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook user ID **[[IDENTIFY
USER ID NUMBER]]** that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered at 151 University Avenue, Palo Alto, California, 94301.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact information, including **[for user IDs:** full name, user identification number, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.] **[for group IDs:** group identification number, a list of users currently registered to the group, and Group Contact Info, including all contact information for the creator and/or administrator of the group and a PDF of the current status of the group profile page.]
- (b) All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- (c) All Neoprints, including profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected

“Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;

- (d) All other communications and messages made or received by the user, including all private messages and pending “Friend” requests;
 - (e) All IP logs, including all records of the IP addresses that logged into the account;
 - (f) All information about the user’s access and use of Facebook Marketplace;
 - (g) The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
-
- (h) All privacy settings and other account settings;
 - (i) All records pertaining to communications between Facebook and any person regarding the user or the user’s Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of [STATUTES] involving [SUSPECT] since [DATE], including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) **[[insert specific descriptions of the records which your probable cause supports seizure and copying of; example: “the sale of illegal drugs” “a**

**threat to bomb a laboratory,” “communications between John and Mary,”
“preparatory steps taken in furtherance of the scheme”. Tailor the list to
items that would be helpful to the investigation.]]**

(b) Records relating to who created, used, or communicated with the user ID.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is _____. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature