

MYSPACE ACCOUNT SEARCH WARRANT AFFIDAVIT

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<http://10.173.2.12/criminal/ccips/online/>

For help with any issues involving ECPA or computer searches, call the Computer Crime and Intellectual Property Section ("CCIPS"), Criminal Division, United States Department of Justice, at (202) 514-1026.

USAGE NOTES:

- This go-by is for obtaining information relating to social networking accounts maintained on MySpace.
- The MySpace 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."
- 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 MySpace FriendID **[[INSERT FRIEND ID NUMBER]]** that is stored at premises controlled by MySpace." Example: "In the Matter of the Search of information associated with MySpace FriendID 1234567 that is stored at premises controlled by MySpace"
 - MySpace asks that legal process identify the target account by its "FriendID", which is the number listed after "friendID=" in the URL for the target account's profile. For example, the FriendID for the following MySpace account is 6221:
<http://www.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=6221&Mytoken=2>. For more guidance about identifying the FriendID for a particular MySpace account, see MySpace's law enforcement guide.
 - 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 MySpace, which will require MySpace 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 MySpace.

- If necessary, your agent should cull through the data returned by MySpace 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
MYSPACE FRIEND ID **[[INSERT FRIEND
ID NUMBER]]** THAT IS STORED AT
PREMISES CONTROLLED BY MYSPACE

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 MySpace accounts that is stored at premises owned, maintained, controlled, or operated by MySpace, a social networking company whose custodian of records is located at 407 N. Maple Drive, Beverly Hills, California, 90210. 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 MySpace 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 MySpace account and a suspected crime, and mention whether a preservation request was sent (or other facts suggesting MySpace still has the records desired)]]**

TECHNICAL BACKGROUND

5. MySpace owns and operates a free-access social networking website of the same name that can be accessed at <http://www.myspace.com>. MySpace allows its users to create their own profile pages, which can include lists of their personal interests, photos of themselves and friends, and links to pages within and outside the MySpace environment. MySpace also permits users to send and receive private messages (the functional equivalent of e-mails) with other MySpace users, and to restrict the disclosure of certain information (blogs, profile information) exclusively to the MySpace "friends" of their choosing.

6. MySpace asks users to provide basic identity and contact information to MySpace, either during the registration process or thereafter. This information may include the user's full name, user ID, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers. For each user,

MySpace also retains information about the date and time at which the user's profile was created, the date and time at which the account was created, and the Internet Protocol ("IP") address at the time of sign-up. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access a given MySpace account.

7. MySpace also keeps IP logs for each user. These logs contain information about the user's log-ins to MySpace, including, for each access, the IP address assigned to the user and the date stamp at the time the user accessed his or her profile. MySpace retains IP log information about each account access for at least one year.

8. MySpace users can exchange private mail messages with other users via MySpace. A given private message typically includes the MySpace FriendIDs of the sender and the recipient of the message, a subject line, the actual content of the message, and a date stamp reflecting when the message was sent. Private messages are sent to the recipient's MySpace inbox and remain available there until the recipient removes them. Private messages are also available from a "sent box" for the MySpace who sent the message; MySpace retains these sent messages for at least 14 days, unless the sender manually deletes them from the sent box.

9. MySpace users can add a variety of information to their profiles, including photographs, videos, music and other audio files, lists of personal interests and preferences, journals or web logs ("blogs"), bulletins, news feeds, links to other locations on the Internet, and "About Me" entries, which typically contain personal information about the user. MySpace users can also post comments on the MySpace profiles of other users or on their own profiles.

MySpace allows users to edit or delete comments on their own profile pages, and users can also adjust their profile settings to allow them to pre-approve comments on their own profile pages.

10. A MySpace user can link his profile page to the profile of another MySpace user by becoming “friends” with that user on MySpace. Each user profile page includes a list of that user’s “friends,” along with links to the friends’ profiles pages. MySpace users can adjust the privacy settings for their profile so that their profile information is visible only to their MySpace “friends,” rather than to the public (which is the default setting).

11. MySpace users can post free classified ads on MySpace Classifieds. MySpace also allows users to place applications in their profiles.

12. For a given user, MySpace retains the basic identify information entered by the user, all data displayed on the user’s profile, and all stored files (such as images and videos) contained in the user’s account as long as the user has not edited the data or removed the files from the profile. When a given MySpace account is deleted, MySpace retains certain information relating to that account for at least one year, including user identity information and IP logs.

13. In some cases, MySpace users may communicate directly with MySpace about issues relating to their account, such as technical problems or complaints. Social networking providers like MySpace 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.

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

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

15. 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 MySpace 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

16. 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 MySpace there exists evidence of a crime [[and contraband or fruits of a crime]]. Accordingly, a search warrant is requested.

17. 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).]]

18. 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

19. **[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 MySpace FriendID **[[IDENTIFY FRIEND ID NUMBER]]** that is stored at premises owned, maintained, controlled, or operated by MySpace, a company whose custodian of records is located at 407 N. Maple Drive, Beverly Hills, California, 90210.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by MySpace

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

- (a) All identity and contact information, including full name, user ID, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;

- (b) The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- (c) All IP logs;
- (d) All private messages sent or received by the user;
- (e) All data and information associated with the profile page, including photographs, videos, music and other audio files, lists of personal interests and preferences, journals or web logs (“blogs”), bulletins, news feeds, links to other locations on the Internet, “About Me” entries, and comments;
- (f) A list of all of the user’s “friends” on MySpace;
- (g) All privacy and account settings;

- (h) All information about the user's access and use of MySpace Classifieds;
- (i) All information about the user's access and use of applications on MySpace;
- (j) All records pertaining to communications between MySpace and any person regarding the user or the user's MySpace 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 MySpace, and my official title is _____. I am a custodian of records for MySpace. 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 MySpace, 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 MySpace; and
- c. such records were made by MySpace 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