



1099 18th St Suite 770
Denver, CO 80202

Law Enforcement Compliance Guide

Contact Information

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Office # 303-228-5139

Email:

Address:

Photobucket

Attn: [redacted] Content Moderation Manager/Custodian of Records

1099 18th St. Suite 770

Denver, CO 80202

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About Photobucket

Photobucket is the easiest and most reliable way for people to create, manage and share their personal media online. With more than 65 million users, Photobucket is a creative hub linking billions of personal photos, graphics, slideshows, and videos daily to hundreds of thousands of web sites--including MySpace, Facebook, Bebo, Friendster, eBay, Craigslist, Blogger and Xanga. In addition to linking, Photobucket users share their personal digital media by email, instant messaging, and mobile devices. The company reviews all images and videos uploaded to the site to create a safer environment for its users, partners, and advertisers.

This Law Enforcement Guide is designed to assist law enforcement agencies who may seek the production of information associated with a Photobucket subscriber. Photobucket is committed to assisting law enforcement in providing such information consistent with its legal obligations under the Stored Communications Act, 18 U.S.C. § 2702-03. Accordingly, this Guide identifies the type of information collected by Photobucket, how long that information is retained, the legal process necessary for Photobucket to release the information, and the format in which the information is produced. The Guide also provides some sample request language, and explains Photobucket's policies for handling preservation and emergency requests.

As part of its commitment to the safety of its users, Photobucket attempts to review, using both technology and staff, all images and videos stored by Photobucket. This process involves the review of between five and eight million uploaded images per day by a review team. The purpose is to identify content that violates Photobucket's Terms of Service (TOS). For details see <http://photobucket.com/terms>. Photobucket immediately terminates accounts containing any child pornography. When an account is terminated for that reason, the following actions are taken: the contents of the account (all images/videos at the time of the ban) are preserved for law enforcement purposes, the user data (all registered subscriber info, IPs, dates/times, etc) is preserved, the subscriber's access to the account is removed, and the contents of the account are no longer visible via the Photobucket 'Search Engine'.

Available Information, Retention Periods, and Process Required

Photobucket generally stores three types of information about users: identity information, log-in date and IP information, and image/video content. User identity information is not verified by Photobucket. The types of process necessary to permit Photobucket to produce each category of information under the SCA differs only slightly. The specific types of information, the retention periods for each type, and the necessary process for each type, are set out below.

A. Basic User Identity Information

Information available: first name, last name, user/screen name, zip code, country, email address, account creation date/time

Retention period: One Year

Process required: Grand jury or administrative subpoena under 18 U.S.C. § 2703(c)(2), or Court Order, Search Warrant, or User Consent

B. IP and Date Logs

Information available: Date and IP for most recent account access, Registration IP, Banned date/time (if account banned), Date/Time of Upload or Modification of file, Upload IP for files uploaded after June 1, 2007¹ (all times reflect Mountain time zone)

Retention Period: One year.

Process Required: Grand jury or administrative subpoena under 18 U.S.C. § 2703(c)(2), or Court Order, Search Warrant, or User Consent

C. Stored Files

Information available: image and video content in a user's account

Retention period: active accounts - until user deletes; accounts terminated by Photobucket – one year.

Process Required: Grand jury or administrative subpoena where the government provides prior notice to the subscriber (or delays notice pursuant to 18 U.S.C. § 2705), or Court Order, Search Warrant or User Consent

Preservation and Emergency Requests

Upon request, Photobucket will preserve for an initial period of 90 days (and extend the preservation upon renewed request) any information identified by law enforcement. Please send a brief request in writing on law enforcement agency letterhead, and include language similar to the following:

“The (Name of Dept./Division) is currently conducting a criminal investigation regarding [insert specific info]. As part of that

¹ Please note that Photobucket may not have the upload ip for certain images (e.g., images uploaded via FTP).

investigation, we are requesting that information related to the Photobucket screen name listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information, date and IP logs, and account contents relating to the following Photobucket customer:"

Username:

Cybertip Report: (if related to a NCMEC report)

Photobucket will also exercise its discretion under the SCA to release information without legal process where an imminent threat of death or serious physical injury to a person exists that necessitates disclosure. In such emergency circumstances, please contact [redacted] 303-228-5139 and provide the following information: b6

The nature of the emergency involving death or serious physical injury, the name of the person whose death or serious physical injury is threatened, and the specific information in Photobucket's possession related to the emergency.

NCMEC Reporting (cases dealing with child pornography)

Whenever Photobucket becomes aware of an account containing child pornography, either through its review team or through a user report, Photobucket immediately removes the content and prepares a NCMEC report. For law enforcement agencies whose investigation involves a NCMEC report, please note the following:

Key NCMEC report definitions

- Incident Date/Time - This signifies when the account was banned from Photobucket's services (this is the same info as the 'Accessed' date/time on the report).
- Suspect E-mail Address - This is the email address that the offender used to register their Photobucket account with. This email is not verified by Photobucket.
- Screen/User Name - Photobucket users use a unique 'username' that identifies them on Photobucket. They use their username to log into their account, not their email address.
- IP Address - This is the IP address that was captured at the time the offender registered for an account with Photobucket.
- Files Uploaded - Photobucket generally attaches a small sample of offending content to the NCMEC form so law enforcement can get an idea of the infractions occurring. There are usually more offending images/videos in the account than there are attached to this form, unless the offending content was minimal in number.

FAQ

Q: What information should I include when issuing legal process to Photobucket:

A: Photobucket username/cybertip # associated with case.
Types of information requested (IPs, subscriber info, images, etc)
A return address (non-P.O. Box) to which a CD-ROM can be mailed
An email address where you can be reached for confirmation purposes

Q: How fast can I expect to receive a legal document processed by Photobucket?

A: Photobucket strives to process legal documents as soon as they are received. Turnaround time may vary between 24-72 hours depending on location, but everything is shipped out overnight via UPS.

Q: What will I find on the CD-ROM once it has been received?

A: You will find, depending on the nature of the request, the following files on the CD-ROM:

username.zip - all contents in account at the time it was banned

username_userdata.jpg - a snapshot of all subscriber info, IPs, dates, etc

ipuploads - file showing specific IPs tied to image uploads

Q: What does the username.zip file contain?

A: The username.zip file contains all of the images and videos that were in the offender's Photobucket account when they were banned. Extract this file using 'WinZip' (or any other extraction program). When the file is extracted, you will see a list of all of the images and videos. Images that begin with a 'th_' are simply the thumbnail images for the originals.

Q: What does the username_userdata.jpg file contain?

A: The username_userdata.jpg file contains the following:

- All registered subscriber information
- Registered/last accessed dates (and times where applicable)
- Registered/last accessed ip addresses
- The account creation date/date/time (join date) can be found in the 'User Comments' section of this file, all the way at the bottom!

Miscellaneous Information

Photobucket converts all video files that are uploaded into an '.flv' file, or Flash video. This is essentially a video file that is optimized for web viewing and sharing. It is merely a re-encoded copy of the original. Photobucket does not

retain the original video file. If you are unable to natively view an '.flv' file on your computer, please download one of the following programs below:

FLV Player 1.3.3 (Windows):

http://www.download.com/FLV-Player/3000-2139_4-10467081.html

SWF & FLV Player (Macintosh):

<http://mac.eltima.com/freeflashplayer.html>

REMINDER: ALL DATES/TIMES ARE IN MOUNTAIN TIME

PHOTOBUCKET LAW ENFORCEMENT GUIDE

QUICK REFERENCE SHEET

Contact: 303.228.5139 FAX: 303.395-1165 EMAIL: 160

CRIMINAL	Type of Information Sought	Subpoena (Admin., Grand Jury, Trial, CID)	2703(d) Order	Search Warrant	User Consent
	Basic Subscriber Information	✓	✓	✓	✓
	IP addresses (Reg, Upload, Access)	✓	✓	✓	✓
	Stored user files (images, videos)	✓	✓	✓	✓

IMPORTANT REMINDERS

1. **User names** - Please provide the Photobucket user name in all requests.
2. **Specificity** - Please describe the data sought as specifically as possible.
3. **Preservation** - Photobucket will preserve data when requested to do so under 18 U.S.C. 2703(f) - please refer to the full Law Enforcement Guide for more details.
4. **Emergencies** - Photobucket will provide Law Enforcement with user data where Law Enforcement provides sufficient information to give Photobucket a good faith belief that a threat of death or serious injury requires disclosure - please refer to the full Law Enforcement Guide for more details or call our hotline listed above.

Confidential: For Law Enforcement Use Only