



AOL Inc.
Public Safety & Criminal Investigations Unit
22000 AOL Way
Dulles, VA 20166

703-265-1933
Or
703-265-COPS

Fax: 703-265-2305

Please direct all legal process for any of AOL's Brands to:

AOL Inc.
Public Safety & Criminal Investigations
Attn: Custodian of Records
22000 AOL Way
Dulles, VA 20166

Fax: 703-265-2305

AOL Brands:



Sample Subpoena Language

18 U.S.C. § 2703(c)(2)

Searches by Name or Screen Name:

The broadest possible language will not be workable for persons with relatively common names, since a firstname lastname combination could yield dozens or hundreds of different AOL account holders, and many if not most of those accounts would identify persons entirely unrelated to the investigation.

At least one additional parameter, such as a physical address, telephone number, or credit card number & type, must be included for AOL to locate the screen name.

For the account of (firstname) (lastname) using AOL and/or AIM screen name (screen name) , and for any other screen names associated with this account, and for all other accounts and screen names associated with (firstname) (lastname) , possibly residing at (physical address or other additional identifying data) , the following records maintained by AOL Inc. ("AOL") for each account:

All subscriber information, including:

- a. names, email addresses, and screen names;
- b. addresses;
- c. detailed billing records or records of session times and durations;
- d. length of service (including start date) and types of service utilized;
- e. telephone or instrument number or other subscriber number or identity, including most recent temporarily assigned network address [or, alternatively, you may specify a particular date, time, and time zone]; and
- f. the means and source of payment for such service (including any credit card or bank account number).

Searches by IP Address:

If you have only an IP address that appears to be an AOL Member IP or "IPT," or an AOL Proxy IP (see explanation on page 11, "Types of IP Addresses Logged by AOL"), and you need subscriber information for the corresponding screen name, in place of the first paragraph above you must include the following instead:

IP Address: _____
Exact Date: _____
Exact Time: _____
Time Zone: _____

Proxy IPs – Include complete eaders of the email message sent during the proxy session; or the **entire** URL of the Web page visited, including **all** fields after .com, .org, .net, etc.:

Disk Subpoena Format Requirements

For any subpoenas with more than 10 screen names

Do's

- Save it on the following media: **two** (2) CD-Roms
- Save the file as a plain text file
- Include *only* the list of screen names
- Include only *one* screen name per line
- Single-spaced lines
- List all screen names on the subpoena (or on an attachment incorporated by reference)
- Provide contact information (name, phone number, and mailing address, but *not* a Post Office box) to which AOL's response should be delivered (Do not include this on this disk)

Do Not's

- Put spaces between characters in screen names
- Include @aol.com or any other domain name after a screen name
- Include screen names containing extraneous characters such as -, *, #, + (screen names can only be alphanumeric)
- Include a letter or copy of the subpoena on the disk
- Include screen names that begin with a number (AOL screen names never begin with a number)
- Number the list

This is how the information on your disk should appear:*

John388Doe
JaneDoe388
Johndoe388

Please mail both CDs, and a copy of the subpoena to:

AOL Inc. Legal Department
Public Safety & Criminal Investigations
22000 AOL Way
Dulles, VA 20166

If we have provided you with an AOL Legal file #, please include it with your subpoena.

AOL Legal File # _____ - _____ - _____

*The screen names used in the above example are fictitious.

Sample Search Warrant Language

18 U.S.C. § 2703(a)

ATTACHMENT A

For the account of _____ (firstname) (lastname) _____ at _____ (physical address, if known) _____ using AOL and/or AIM screen name _____ (screen name) _____ ,

[add, if there is probable cause:]

“and for any other screen names associated with this account,”

[add, if there is probable cause:]

“and for all other accounts and screen names associated with _____ (firstname) (lastname) _____ ,”

the following records maintained by AOL Inc. (“AOL”) for each account:

1. All subscriber information, including:
 - a. names, email addresses, and screen names;
 - b. addresses;
 - c. detailed billing records or records of session times and durations;
 - d. length of service (including start date) and types of service utilized;
 - e. telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and
 - f. the means and source of payment for such service (including any credit card or bank account number).
2. For the period of _____ (date) _____ to the date this warrant is acted upon by AOL, all transactional information, including:
 - a. logs of Internet Protocol (“IP”) address connections, including dates, times, and time zones, and any ANI information made available to AOL;
 - b. address books;
 - c. buddy lists; and
 - d. account history, including contacts with AOL support services and records of actions taken online by the subscriber or by AOL support staff in connection with the service.
3. For the period of _____ (date) _____ to the date this warrant is acted upon by AOL, the contents of electronic or wire communications held in accounts of the persons assigned the screen names identified in paragraph 1, including:
 - a. all electronic or wire communications (including e-mail text, attachments, and embedded files) in electronic storage by AOL, or held by AOL as a remote computing service (if any), within the meaning of the Stored Communications Act;
 - b. all photos, files, data, or information in whatever form and by whatever means they have been created or stored and

Serving Search Warrants in the United States

State and Local Agencies:

AOL will accept service of warrants directly from State or local agencies as with other process: by fax, 703-265-2305, or by mail. However, some agencies either may be required to (by their own policies or legal strictures), or may prefer to domesticate their warrants through Loudoun County. To do so, please contact the Loudoun County Sheriff's Office at 703-777-0493 for details. Sheriff's Investigator Ron Colantonio is currently assigned to process these search warrants.

Federal/Military:

Federal Search Warrants can be faxed to 703-265-2305.

All AOL email, whether from U.S. or international subscribers, is stored in and processed through AOL's email servers in its data centers in Northern Virginia.

Release of Content Over 180 Days Old with a Subpoena or Court Order

Contents of electronic communications cannot be disclosed by subpoena or court order without the government either giving notice to the subscriber under 18 USC 2703(b)(1)(B), or the government giving *delayed* notice to the subscriber under the procedures set forth in 18 USC 2705.

Under ECPA, giving notice to the subscriber, either immediate or delayed, is your agency's obligation, not AOL's responsibility. Placing directives or requests to AOL in the subpoena or court order does *not* meet the requirements of ECPA.

In order for AOL to ensure that we are complying with a valid subpoena under ECPA, we require that you verify, in writing, that either (1) your agency has given notice to the subscriber; or (2) your agency has delayed giving notice to the subscriber by following the procedure set forth in 18 USC 2705.

A court order that recites on its face that your agency shall delay giving notice to the subscriber for one of the reasons set forth in 18 USC 2705(a)(1)(A) will suffice.

For subpoenas, we need verification, in writing, that a certification delaying notice has been executed by a "supervisory official" as defined in 18 USC 2705(a)(6). (We do not need to see either your agency's notice to the subscriber or your agency's certification.)

Sample Preservation Request

18 U.S.C. § 2703(f)

(Your Agency Letterhead)

(Date)

Via Facsimile to 703-265-2305

AOL Inc. Legal Department
Public Safety & Criminal Investigations
22000 AOL Way
Dulles, VA 20166

Re: Preservation Request

Custodian of Records:

I am writing to request the preservation of records for the following account, pending the issuance of legal process:

Name: John X. Doe
Address: 1234 Any Street, Anytown, USA 12345
Telephone: (123) 456-7890

Screen Names: John388Doe, JaneDoe388, JohnDoe388

AOL Account #: _____

Credit Card # & Type: _____
{ or }

IP Address: _____

Exact Date: _____

Exact Time: _____

Time Zone: _____

(Proxy IPs Only) **Complete** headers of the email message sent during the proxy session; or the **entire** URL of the Web page visited, including **all** fields after .com, .org, .net, etc.:

You are requested to preserve, for a period of 90 days, the records described below currently in your possession for this account. You are also requested not to disclose the existence of this request to the subscriber or any other person, other than as necessary to comply with this request.

{ continued on next page }

Sample Preservation Request

18 U.S.C. § 2703(f)

(cont'd)

This request applies only retrospectively. It does not in any way obligate you to capture and preserve new information that arises after the date of this request.

This preservation request applies to the following records:

{ *See Sample Search Warrant for Comprehensive List* }

If you have any questions concerning this request, please contact me at _____.

Signature

Printed Name / Date

Preservation Requests for IP Connection Logs

The above letter may be used to request preservation of IP connection logs for specific accounts across a range of dates, or to pinpoint an IP address on a specific date, time, and time zone, or to preserve the last known IP login on a given account as of the specific date of the preservation request.

Emergency Voluntary Disclosures

18 U.S.C. § 2702(b)(8)

18 U.S.C. § 2702(c)(4)

The Stored Communications Act permits an Internet service provider to disclose the contents of electronic or wire communications or customer records “if the *provider*, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications [or records] relating to the emergency.” (emphasis supplied)

In the event of an emergency, please telephone AOL’s Public Safety and Criminal Investigations unit at 703-265-1933, and provide us with specific facts concerning the emergency that you believe requires immediate disclosure of communications or records relating to the emergency.

The specific facts should include:

- Description of the emergency, including facts demonstrating the danger of death or serious physical injury;
- Explanation why the danger is imminent, and that a subpoena, court order, or search warrant cannot be obtained in time; and
- What specific records or communications you seek from AOL that relate to the emergency.

Authorization and Consent to Release Records

To Accompany Law Enforcement Requests Only

I, _____, am the primary account holder of one or more accounts with AOL Inc. ("AOL") bearing the screen names:

I hereby grant my consent authorizing _____ to receive, review, copy and otherwise utilize, as that person or organization deems appropriate, all records of any kind provided by AOL relative to my account(s), including any alternate screen names or subaccounts.

I hereby authorize AOL to provide to that person or organization the following records relative to my account(s), including any alternate screen names or subaccounts:

☐ **All of the records listed on this form**

[Or, check only specific records below:

- ☐ Basic subscriber information *
- ☐ IP connection logs & ANI info
- ☐ Account histories
- ☐ Buddy lists
- ☐ AOL Address book
- ☐ Content of AOL Calendars, Pictures, Private Journal, File Backup, Reminders, other files (except electronic mail)
- ☐ Content of all electronic mail
- ☐ Other * including but not limited to name, address, phone numbers, screen names, records of session dates & times, start & end dates of service, account balance, credit card or bank account number

Pursuant to this Authorization and Consent, I hereby agree to hold harmless and do forever hold harmless AOL for the disclosure of such records and do forever waive, on my behalf and on behalf of all my heirs or assigns, any and all claims arising, in whole or in part, out of AOL's disclosure of records relative to my account(s) pursuant to this Authorization and Consent.

I hereby indemnify AOL against any and all claims or causes of action arising, in whole or in part, out of AOL's disclosure of records relative to my account(s) pursuant to this Authorization and Consent.

Member Signature & Printed Name

Date

Witness Signature & Printed Name

Date

- Please fax the completed form, with both signatures and dates, to 703-265-2305.
- AOL will only release content with a consent letter for the primary master screen name of paid or formerly paid account.

Types of IP Addresses Logged by AOL

Source IP (or “Login IP”)

The Source IP is the IP address assigned by an AOL dialup provider or the subscriber's broadband ISP upon initiating a connection to the Internet.

What Whois Shows:

When a Whois query is performed on a Source IP, typically it will show that it has been allocated to an Internet service provider that is *not* AOL.

In addition to any subscriber information available from AOL, a subpoena served on the AOL dialup provider or the subscriber's broadband ISP may reveal identifying information.

Member IP (or “IPT”)

When a subscriber actually logs into AOL's service, the member IP or “IPT” is the IP address assigned by AOL that enables the subscriber to navigate throughout AOL's online content.

When a subscriber logs into AOL and navigates on the World Wide Web *without* using the built-in Web browser within the AOL client software, the Web servers logging the subscriber's IP address will show the IPT assigned by AOL.

When a WHOIS query is performed on an IPT, the hostname always ends in **ipt.aol.com**.

Proxy IP

When a subscriber uses AOL's built-in Web browser to navigate the World Wide Web (outside of AOL's online content), the subscriber's Web traffic passes through an AOL proxy server. Therefore, the Websites visited by the subscriber can detect (and log) only the proxy server's IP address. Proxy servers are used to implement AOL's Parental Controls and to speed up Web surfing for subscribers.

When a WHOIS query is performed on a proxy IP, the hostname always ends in **proxy.aol.com**.

Web servers logging visits by AOL subscribers in those circumstances will show the proxy IP assigned to the server – not the Member IP (“IPT”) assigned to the individual subscriber. Many AOL subscribers are assigned the same proxy IP at the same time.

Therefore, AOL **cannot** search for a unique screen name assigned to a given proxy IP unless law enforcement provides **one** of the following, in addition to the exact date, time, and time zone the proxy IP address was logged:

- **Complete** headers of the email message sent during a proxy session; or
- The **entire** URL of the Web page visited during the proxy session, including all fields to the right of .com, .net, .org, etc.

Internet and AOL Email Headers

An excellent guide to interpreting Internet email headers is found in the following manual:

Best Practices for Seizing Electronic Evidence, Version 2.0
Federal Law Enforcement Training Center
<http://www.fletc.gov/training/programs/legal-division/downloads-articles-and-faqs/downloads/other/>

See “Tracing an Internet Email,” on pages 22-23 of the Best Practices guide.

When using the AOL Client headers are reduced to a minimum. To view the full header information click on “details” located at the bottom of the email header.

MapQuest Searches

Search Parameters:

MapQuest searches are labor-intensive and time-consuming. Accordingly, please narrow your requests as much as possible. A request for all data concerning a particular MapQuest search over a 3 to 5 day period is reasonable; a request for data over an entire month (for example) may be unreasonable.

Search terms may include:

- Exact address, e.g., 1234 Any Street, Anytown, USA 12345; or
- Exact intersection, e.g., Any Street & Main Street, Anytown, USA 12345; or
- In the event IP data is your starting point, the

IP Address: _____

Exact Date: _____

Exact Time: _____

Time Zone: _____

used to undertake the search.

Retention Period:

MapQuest search data is retained for approximately 45 days.

ICQ Searches

ICQ has been sold. AOL will handle the criminal compliance for ICQ until such time as the servers are completely turned over to DST, the new owner of ICQ.

Search Parameters:

ICQ, an Instant Messaging service popular outside the United States, is based on a numerical UIN (Universal Identification Number). Registration and profile information is user-generated and user-configurable. Email addresses associated with an ICQ UIN, like those used to register for free AOL or AIM.com accounts, are unverified.

ICQ usage generates IP connection logs which are retained for up to 90 days.

Email Retention Periods

Email for all of AOL's brands is stored indefinitely (unless deleted by the user) except as follows:

Deleted mail – 7 days

Spam mail – 5 days

AOL IP Data Retention Periods

Session logs ("Detailed billing")	6 months
Source IP & Member IP ("IPT") connection logs	90 days
Webmail IP connection logs	90 days
Proxy IP connection logs	5 to 7 days
AIM IP connection logs	up to 90 days
ICQ IP connection logs	up to 90 days

All AOL log data retention periods are approximate and subject to change without notice.

AOL's International Portals

Canada	www.aol.ca
Mexico	www.aol.mx
United Kingdom –	www.aol.co.uk
France	www.aol.fr
Germany –	www.aol.de
Japan	hp-consumer.myaol.jp
India	www.aol.in

AOL Email Domains

Some of the international portals offer email addresses to subscribers that share the same name space as AOL.com. Others offer Country Specific Name Space identifiers that are (as the name implies) unique to that international portal.

AOL's My eAddress feature also permits subscribers to create email addresses in any one of our "affinity" domains, including (for example) switched.com or moviefan.com, or in a unique domain name of the subscriber's choice. For a complete list, see:

domains.aol.com

All AOL email, whether from U.S. or international subscribers, is stored in and processed through AOL's email servers in its data centers in Northern Virginia.