# Microsoft<sub>®</sub> Online Services Global Criminal Compliance Handbook

**U.S. Domestic Version** 

March 2008

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# MICROSOFT ONLINE SERVICES Law Enforcement Hotline: (425) 722-1299

# Where to Serve Legal Process in Criminal Matters

### <u>Windows Live ™, Windows Live ID (Passport),</u> MSN<sup>®</sup>, Xbox & Other Online Services:

FAX: (425) 708-0096 Microsoft Corporation Attn: Online Services Custodian of Records One Microsoft Way Redmond, WA 98052-6399

# **EMERGENCY REQUESTS**

Microsoft Online Services will respond to emergency requests outside of normal business hours if the emergency involves "the danger of death or physical injury to any person…" as permitted in 18 U.S.C. § 2702(b)(8) and (c)(4). Emergencies are limited to situations like kidnapping, murder threats, bomb threats, terrorism threats, etc. If you have an emergency request, please call the law enforcement hotline at **(425) 722-1299**.

# NON-U.S. LAW ENFORCEMENT

Microsoft has established local contacts within your country or region to handle legal process related to Microsoft Online Services. If you are not already familiar with your local contact, please e-mail the Global Criminal Compliance team at <u>globalcc@microsoft.com</u>, and you will be directed to the local contact handling requests from your country.

All legal process for criminal matters from non-U.S. law enforcement, prosecutors and courts must be directed to **Microsoft Corporation**, **One Microsoft Way**, **Redmond**, **WA 98052** and not to Microsoft's local subsidiary as all Microsoft Online Services customer data is stored in the U.S. Your local contact will be able to educate you as to what local process must be followed in order to obtain online services customer account records from Microsoft.

# What are Microsoft Online Services?

- E-mail Services
- Authentication Service: Windows Live ID
- Instant Messaging: Windows Live Messenger
- Social Networking Services: Windows Live Spaces & MSN Groups
- Custom Domains: Windows Live Admin Center & Office Live Small Business
- Online File Storage: Office Live Workspace & Windows Live SkyDrive
- Gaming: Xbox Live







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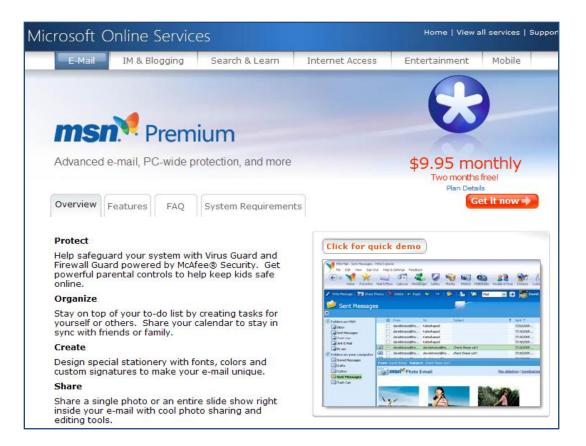
# **E-mail Services**

### What are the Various E-mail Services Microsoft Provides?

- Several different domains:
  - @hotmail.com
  - @msn.com
  - @live.com
- Microsoft also provides some country specific domains such as .co.uk, .fr, .it, .de, .es, .th, .tk, .co.jp
  - Currently <u>all</u> e-mail service customer data is stored in the U.S. even if the account name contains a country specific domain.
- E-mail accounts may be either free or associated with a paid service
  - Accounts that start out as paid accounts may later become free ~OR~ accounts that start out as free may later be associated with a paid service.
  - Therefore, the records available in response to law enforcement requests will vary depending on the type of e-mail service.

### Below are several examples of the paid e-mail services Microsoft offers:

灯 Windows Live	Hotmail.	
It's here: The award-winning, next-generation version of Hotmail. Designed to keep you safe and productive, Windows Live Hotmail is available in free and premium versions. Which one is right for you?	Windows Live Hotmail Learn more Get it free Free • A whopping 2 GB of inbox storage • Schanced security: color-coded alerts for suspicious e-mail • Choose the full version or the streamlined classic version • Choose your own colors and layout • Preview window for all messages • Drag, drop, and organize at will (Switch to the full version to see all features)	Windows Live Hotmail Plus Learn more   Plan details Get it now \$19.95/yr All the goodness of Windows Live Hotmail, plus: • More storage: now 4 GB • No account expiration* • No graphical ads • Bigger attachments: up to 20 MB
	Windows Live Hotmail	Windows Live Hotmail Plus
Price	Free!	\$19.95/year
Storage	2 GB	4 G8
File attachment total	10 MR	20 MR



# What E-mail Services Records are Retained and for How Long?

E-mail account registration records are retained for the life of the account. Internet Protocol ("IP") connection history records are retained for 60 days.

### How Do I Read E-Mail Account Results?

Sample E-mail Account Registration Records:

	Created 2/24/2006 1:08:44 PM
Active Accounts 1. criminal-compliance-training@hotmail.com	

Microsoft	dential	criminal-compliance-training@hotmail.com 2/24/2006 1:08:43 PM
Henu CO		User Info
S	Field	Value
Cover Letter	Login	criminal-compliance-training@hotmail.com
Jser Info	First Name	
History Info	Lost Name	
Folders	State	California
Email	Zip	94043
Content of the second	Country	US
Other Info	Timezone	America/Los_Angeles
Home	Registered from IP	64.4.1.11
100	Date Registered	2/22/2006 9:36:09 AM
Print Print	Reply To Address	criminal-compliance-training@hotmail.com
	This Account Forwards to the Following Accounts	
	Accounts Forwarding to This Account	
	Init Locale	EI_US

- All registration data is provided by the user EXCEPT for the Registered from IP Address.
- Occasionally the "Registered from IP Address" field may blank for some accounts. In this situation the user's IP address was not captured by Microsoft's systems during the registration process.
- Microsoft retains e-mail account registration records for the life of the account.
- For free MSN Hotmail and free Windows Live Hotmail accounts, the e-mail content is typically deleted after 60 days of inactivity. Then if the user does not reactivate their account, the free MSN Hotmail and free Windows Live Hotmail account will become inactive after a period of time.

Microsoft	ridentiai		2/24/2006 1:08:43 PM
Menu DOD		History Info	
Cover Letter	IP	Date {Pacific}	Pass/Fail
	64.4.1.11	2/22/2006 9:36:14 AM (PST)	pass
Jser Info	64.4.1.11	2/22/2006 9:37:21 AM (PST)	pass
History Info	64.4.1.11	2/22/2006 2:13:41 PM (PST)	pass
Folders	64.4.1.11	2/22/2006 2:13:57 PM (PST)	pass
Email	64.4.1.11	2/22/2006 2:14:18 PM (PST)	pass
	216.33.243.217	2/22/2006 2:17:48 PM (PST)	pass
Other Info	64.4.1.11	2/22/2006 2:50:26 PM (PST)	pass
Home	64.4.1.11	2/23/2006 8:21:57 AM (PST)	pass
	64.4.1.11	2/23/2006 8:22:49 AM (PST)	pass
Print	64.4.1.11	2/23/2006 8:23:00 AM (PST)	pass
	64.4.1.11	2/23/2006 8:23:42 AM (PST)	pass
	64.4.1.10	2/23/2006 12:42:43 PM (PST)	pass
	64.4.1.10	2/23/2006 12:43:56 PM (PST)	pass
	64.4.1.10	2/24/2006 1:00:54 PM (PST)	pass
	64.4.1.10	2/24/2006 1:01:23 PM (PST)	pass
	64.4.1.10	2/24/2006 1:05:34 PM (PST)	pass
	64.4.1.10	2/24/2006 1:06:46 PM (PST)	pass
	64.4.1.10	2/24/2006 1:07:02 PM (PST)	pass

#### Sample E-mail Account IP Connection Records:

Occasionally the "Pass/Fail" column will include an entry entitled "mymsn". When this
indication is present, it means the user logged in from the <u>www.msn.com</u> homepage.

### Stored E-mail Records for MSN Premium Customers:

- Microsoft's systems only store the e-mails a user has elected to maintain in the account. Therefore, the only e-mails provided in response to legal process seeking stored e-mail content will be the e-mails stored in the "Folders on MSN" section of a user's account.
- Be aware that users may also store e-mail content on their computer's hard drive. Microsoft will not be able to disclose e-mail content stored on a user's computer – only e-mail content stored on Microsoft's e-mail servers.



# **Additional Tips:**

- Within the available IP records, an entry could exist that belongs to Microsoft services due to internal configurations. 'Registered From IP' addresses or other IP addresses in the IP history that are in the blocks of 65.54.xx.xx (MSN Hotmail) or 207.68.174.xx, 207.46.237.xx, 65.54.198,xx, 64.4.55.xx (MSN Mobile) are from Microsoft-owned servers, but they do not provide any further information which relates to the user.
- If there is an entry of 1.1.1.1 or 2.2.2.2 in the 'History Info' the entry is a Microsoft system generated line item. The 1.1.1.1 and 2.2.2.2 entries are not generated by user activity.
   Specific questions can be directed to the Global Criminal Compliance Team.



### FREE E-MAIL ACCOUNT AGE OUT TIMELINE

 Users may self delete an account at any point along this process. The 30 day inactivity period is canceled if someone tries to create the same account name ~or~ attempts to access it. Between 120 and 365 days, users can recreate an e-mail mailbox.

# **Authentication Service: Windows Live ID**

### What is the Service?

The Windows Live ID authentication service, formerly known as "Passport", helps simplify your sign in: Create your sign in credentials – *e-mail and password* – once, and then use them everywhere on the Windows Live Network. There are three different ways you may obtain a Windows Live ID:

- Use a @live, @hotmail or @msn e-mail account
- Easy ID: Use an e-mail address you already have @other\_email\_provider.com.
  - You can use any existing e-mail address from any e-mail provider when you create your credentials for Windows Live ID. Then you can use those credentials to sign in to any Windows Live ID site.
- Sign up for a limited account @passport.com
  - Create credentials only Log on using e-mail address and password only. Account cannot send or receive e-mail.

#### Windows Live ID / Passport accounts:

- Works with MSN, Office Live, and Microsoft Passport sites
- Have an MSN Hotmail, MSN Messenger, or Passport account? It's your Windows Live ID.

🖉 Sign In - Windows Internet Explorer	
🚱 🗸 🖉 https://login.live.com/	
🕴 🔊 🔹 🕅 windows live : 🔎 🔹 🔶 📼 🔹 🌸 💌 💓 PC	Health 😱 🔞 🗸
🚖 🎄 🍘 Sign In	
월 Windows Live ID	
Sign in to Windows Live ID website	Sign in
E-mail address:	Sign in now to view or change your account setting
Password: Forgot your password?	To sign in to the website where you clicked the Ac browser, and then sign in on the previous page.
Sign in	Related links
Save my e-mail address and password	Sign up for an account
Save my e-mail address and password	Learn more about privacy and security     Get answers from Customer Support
<ul> <li>Always ask for my e-mail address and password</li> </ul>	Cet answers nom customer support
Sign in using standard security	
Windows Live ID Works with Windows Live, MSN, and Microsoft Passport sites Account Services	
	1

# What Windows Live ID (Passport) Records are Retained and for How Long?

Microsoft retains the following:

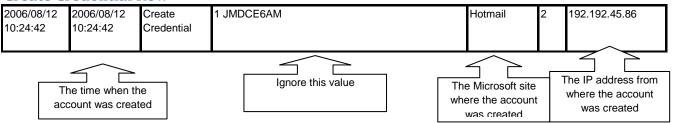
- Windows Live ID retains registration records as long as the account exists in our systems. All
  registration data is provided by the user.
- The last 10 Microsoft site and IP connection record combinations (not the last 10, consecutive IP connection records.)

# How Do I Read Windows Live ID (Passport) Account Results?

#### **Sample Sign-in Summary**

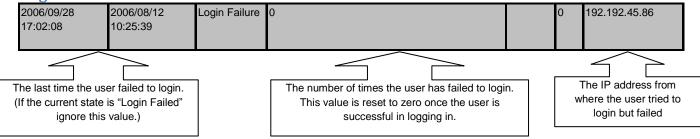
Last Modified	Entry Created		Value	Site Name	Site ID	IP Address
2006/11/30 10:22:35	2006/08/12 10:24:42	Login Success			0	192.192.240.192
2006/11/30 10:22:35	2006/11/06 10:12:55	Site/IP/Time History	Hotmail 192.192.240.192 Nov 30 2006 10:22AM; Hotmail 192.226.141.89 Nov 29 2006 8:16PM; Hotmail 192.140.179.82 Nov 28 2006 8:22AM; Hotmail 192.192.150.140 Nov 24 2006 4:57PM; Hotmail 192.192.140.151 Nov 24 2006 3:40PM; Hotmail 192.192.132.144 Nov 18 2006 12:57PM; Hotmail 192.71.148.10 Nov 18 2006 9:19AM; Hotmail 192.192.156.23 Nov 17 2006 3:56PM; Hotmail 192.226.137.230 Nov 16 2006 4:22PM; Hotmail 192.214.138.210 Nov 16 2006 1:37PM;		0	192.192.240.192
2006/11/02 17:50:38	2006/08/12 10:24:42	IP Address History	192.209.154.235;192.212.1.52;62.20.2.45;192.209.154.6 6;192.192.45.86;		0	192.209.154.235
2006/11/02 17:50:38	2006/08/12 10:24:42	Date/Time History	02 Nov 2006 17:50:38:770;01 Nov 2006 06:06:00:310;30 Oct 2006 14:24:45:397;27 Oct 2006 10:30:21:143;25 Oct 2006 19:36:14:570;		0	192.209.154.235
2006/09/28 17:02:08	2006/08/12 10:24:42	Current State (login succeeded)			0	192.192.45.86
2006/09/28 17:02:08	2006/08/12 10:25:39	Login Failure	0		0	192.192.45.86
2006/08/12 10:24:42	2006/08/12 10:24:42	Create Credential	1 JMDCE6AM	Hotmail	2	192.192.45.86

#### **Create Credential Row**

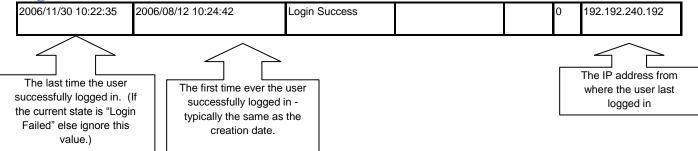


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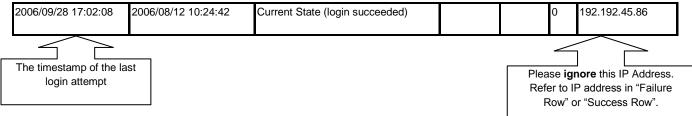
#### Login Failure Row



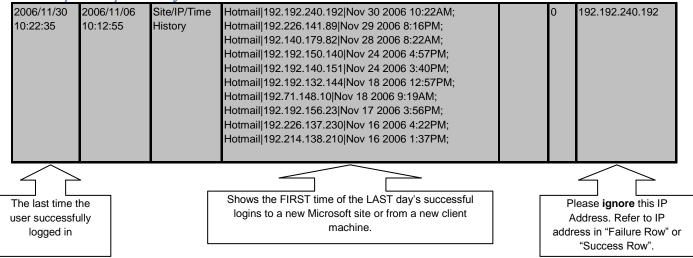
#### **Login Successful Row**



### **Current State Row**



### Site IP/Time/History Row



# Additional Tips:

### 1. In Create credential Row

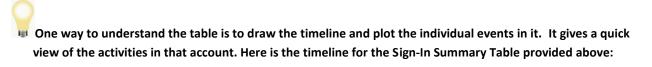
- 2. In the Current State Row
  - a. The IP address DOES NOT denote the IP address of the machine of the last attempt. If the last login was a failure, then the IP address is present in the "IP address" column of the Login Failure Row while if it was success then the IP address is present in Site/IP/Time history row.
  - b. If the state is "Login failed", then refer the "Last Modified" timestamp in the "Login Failure Row" to find the last time the user tried to login and failed. If the state is "Login Successful", then refer to the "Last Modified" timestamp in the "Login Success Row" to find the last time the user signed in successfully.

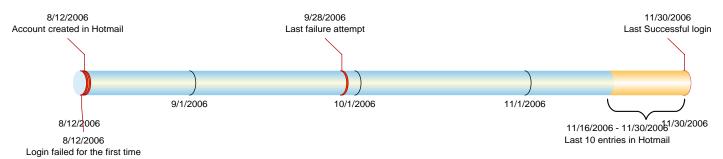
#### 3. In Login Failure Row

a. The value (number of failure tries) is cleared once the user is able to successfully login. Hence, if a user failed to login on several tries, but eventually logs in successfully, there is no record of the previous failures.

#### 4. In Site IP/Time/History Row

- a. The Site IP/Time/History table is not updated if the user logs in again from the SAME IP address to the SAME Microsoft site. It only shows the FIRST login of the LAST day for the user, from the same IP and to the same machine.
- b. There are many cases where end user IP address is hidden by ISP proxy server. SIS shows the IP address of ISP proxy server, instead of real end user IP address. So for the individual user information you can approach the ISP.
- c. The table is limited to only the last 10 MS SITE and IP combinations.
- 5. Sign-In Summary records are restricted to initial authentication so subsequent authentication to other Microsoft sites are not logged.
- 6. All times are UTC and the time-stamps come from Windows Live ID (Passport) servers and not the user's computer.
- 7. Ignore rows "IP Address History" and "Date/Time History". These are present for some older accounts and have now been replaced by "Site IP/Time/History" row.





# **Instant Messaging: Windows Live Messenger**

# What is the Service?

#### Windows Live Messenger is the "Next generation of MSN Messenger"

Free service

- Customers use Windows Live ID / Passport account to sign-in
  - Microsoft retains:
    - Windows Live ID / Passport account registration data
    - Some Windows Live ID / Passport account IP connection records

#### Windows Live Messenger program is downloaded onto client

 Microsoft servers authenticate users, but Microsoft does not log the content of communications between users

#### Windows Live Messenger customers talk to Yahoo! contacts

 If a Windows Live Messenger customer adds a Yahoo! contact to his or her contact list, Microsoft will have the name of the Yahoo! contact.



### What records are retained and for how long?

Since the Windows Live ID service is used to authenticate Windows Live Messenger or MSN Messenger users, Windows Live ID records are retained. Please refer to the "Authentication Services: Windows Live ID" section above.

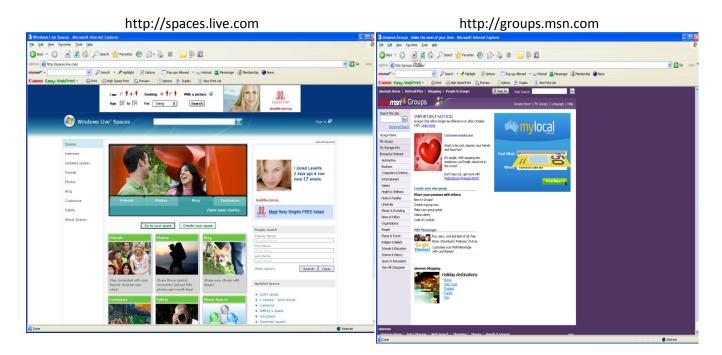
**Please note** that Microsoft needs a full account name with domain (@hotmail.com, @msn.com or @live.com) in order to identify a Windows Live ID (Passport) account. An account cannot be identified when only an alias or screen name has been provided.

# Social Networking Services: Windows Live Spaces & MSN Groups

# What are the Services?

**Windows Live Spaces** is a free service where users may create and customize their own blog, upload photos and network with other users (friends and friends of friends).

**MSN Groups** are free websites that provide features such as message boards, chat rooms and photo albums.



Windows Live Spaces	MSN Groups
<ul> <li>One owner</li> <li>Only the owner of the space can upload content</li> <li>Spaces can be public or private</li> <li>Space owner can invite you to a private space if you belong to his or her contact list and/or e-mail you the link to the space</li> </ul>	<ul> <li>Has only one manager but manager may have assistant managers</li> <li>Anyone who is a member of the group can upload content</li> <li>Groups can be public or private</li> <li>Manager must e-mail link in invitation to a private group</li> </ul>

### What Records are Retained and for How Long?

**Windows Live Spaces:** Only the owner of a Windows Live Space can upload content (e.g. images, documents, videos), and when they do so, the IP address and date and time is also captured. In addition, if someone posts a comment to the blog, Microsoft captures the text of the comments as well as the IP address, date and time of upload and the nickname. These transactional records are retained for 90 days.

**MSN Groups:** When a manager or member of an MSN Group uploads content, Microsoft captures the IP address and date and time of content upload. These transactional records are retained for 60 days.

### Sample Language

**Windows Live Spaces:** The Windows Live Spaces online service enables customers to reach out to others by publishing their thoughts, photos, and interests in an easy way. They can be as inclusive or exclusive as they want to be. They can set three levels of permissions to view their Space: 1) public – allows anyone on the Internet, 2)allows only the group of people from their Windows Live Messenger allow list, or 3) private – allows only each person specified individually from their MSN Address Book. Information that they publish in their Space is arranged in units called content modules. Content modules contain information and links to their items such as photos, music, blogs, and lists. However, when you are looking for information on a specific incident like a photo posting or blog posting, please request **all** content and logs for the Space. We cannot retrieve single incident data.

When submitting legal process for information on Windows Live Spaces, please include the following item descriptions as needed (listed below in bold):

- For information requests on Spaces website content & logs: content including photos; photo albums; blogs; lists etc.; and IIS (website activity) logs:
   Any and all website information for the [Space requested] including content, photos, blogs, lists, and all IIS logs.
- For information requests on the creator (owner) of the Space: Any and all subscriber information for the creator of the [Space] including means and source of payment of any such paid subscription records associated with the owner's e-mail account as well as associated IP history for the account.
- For information requests on other visitors of the Space (e.g. by nickname or email address):
   Any and all subscriber information for the visitor [visitor name] of the Space [Space name]
   including means and source of payment of any such paid account and associated IP logs for
   these accounts. Note: we have information only on visitors who posted comments posted to the
   Space.

**MSN Groups:** When submitting legal process for information on MSN Groups, please include the following items (in bold):

- For information requests on group website content/logs: content, including images; member lists;
   IIS (activity) logs:
  - Any and all website information for the [group requested] including content, images, member lists, and all IIS logs.
- For information requests on the manager of the group:
   Any and all subscriber information for the manager of the group including means and source of payment of any such paid account and associated IP logs for these accounts.
- For information requests on other members of the group (e.g. by nickname or email address): Any and all subscriber information for the member [member name] of the group [group name] including means and source of payment of any such paid account and associated IP logs for these accounts.

Please note that the following items cannot in any way be associated with MSN Groups: Telephone number(s) and Local and long distance telephonic connection records. In addition, when you are looking for information on a specific incident like a photo posting or message posting, please request all group content and logs. We cannot retrieve single incident data.

# **Custom Domains:** Windows Live Admin Center

### What is the Windows Live Admin Center Service?

The Windows Live Custom Domains is now **Windows Live Admin Center**, which includes Windows Live Custom Domains, Windows Live @edu, Windows Live @net and Windows Live Community Builder. You may learn more about all of these services at <u>http://domains.live.com</u>.

**Windows Live Custom Domains** provides customers with their own domain name and, initially, up to 100 email accounts. For example, John Doe may create a custom domain <u>www.johndoefamily2.com</u> and may create e-mail addresses such as <u>john@johndoefamily2.com</u>, <u>mary@johndoefamily2.com</u>, etc.

**Windows Live@edu** delivers student and alumni e-mail as well as communication and collaboration services. The e-mail accounts offer a 5 GB in box, university domain name, as well as other features and students may keep their e-mail after they graduate. Additional services may also be utilized by Windows Live@edu customers such as Office Live Workspace and Windows Live SkyDrive. Learn more about Windows Live@edu at <u>http://get.liveatedu.com/Education/Connect</u>.

Law enforcement should know to send their criminal legal process to Microsoft if a domain name lookup indicates association with Microsoft.

### Windows Live Admin Center

#### Windows Live Custom Domains is now Windows Live Admin Center.

We're changing the name to better reflect our features and capabilities, but don't worry, this is still where you access the same great features you did with Custom Domains. In fact, we're introducing exciting new features we think you'll really like. Thank you for understanding as we transition to our new name.

- Existing customers You may not notice anything new beyond the name change. This is still the same great service you've been using.
- All users We're excited to introduce the ability to customize Windows Live services like Windows Live Hotmail with your own logo. Now your domain users will see your organization's logo every time they check their Hotmail. Just select the co-branding link in the left navigation to get started.
- New customers Get started below to register your domain and create customized Windows Live accounts.

Learn more about Windows Live programs for organizations.

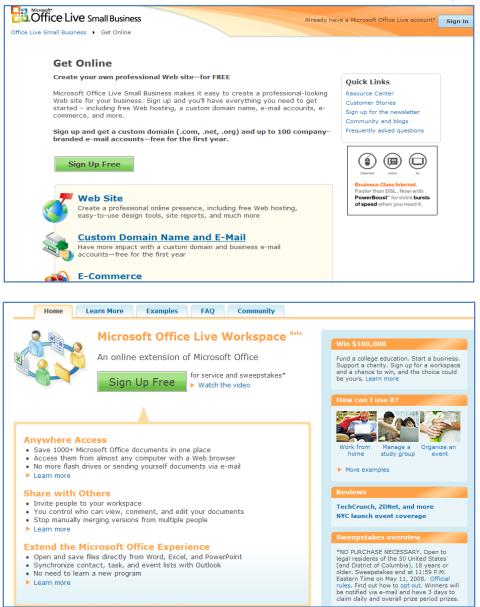
- Windows Live @ edu -- This program is specifically tailored for the needs of educational institutions. Learn more
- Windows Live @ net -- This program enables network operators to bring hosted communication services to their customers. Learn more (additional information is available in English only)
- Windows Live Community Builder -- This program helps organizations build and strengthen their communities with Windows Live services. Learn more (additional information is available in English only)

# **Custom Domains: Office Live Small Business & Office Live Workspace**

# What is the Office Live Service?

Office Live Small Business provides customers with web sites, custom domain name and e-mail as well as ecommerce and other tools. Office Live Workspace provides storage and access to Microsoft Office documents as well as space to share documents and projects.

Law enforcement should know to send their criminal legal process to Microsoft if a domain name lookup indicates association with Microsoft or "Office Live". Learn more about Office Live at: <u>http://officelive.com</u>.



# **Online File Storage: Windows Live SkyDrive**

### What is the Windows Live SkyDrive Service?

Windows Live SkyDrive provides password-protected online file storage for yourself, to share with others or share with the world. Learn more at <u>http://skydrive.live.com</u>.



# **Gaming: XBOX LIVE®**

# What is the Service?

Xbox LIVE is the premier online gaming and entertainment service that enables customers to connect their Xbox<sup>®</sup> to the Internet and play games online. The Xbox LIVE service is available on both original Xbox and new Xbox 360<sup>®</sup> consoles.

### **Original Xbox**

- Accounts restricted to ages 13 and up
- Credit card required
- <u>Data collected</u>: Date of birth, name, e-mail address, physical address, telephone, credit card number, type of credit card, credit card expiration date

### Xbox 360 – User under 13

- Credit card required
- <u>Data collected</u>: Date of birth, name, e-mail address, physical address, telephone, credit card number, type of credit card, credit card expiration date, Microsoft Passport

### Xbox 360 – User 13 and up – No credit card requirement (but can be used)

- <u>Data collected without credit card</u>: Date of birth, name, e-mail address, physical address, telephone, Microsoft Passport
- <u>Data collected with credit card</u>: Date of birth, name, e-mail address, physical address, telephone, credit card number, type of credit card, credit card expiration date, Microsoft Passport

Note: General subscriber information is unverified. Detailed credit card verification has been implemented.

# What records are retained and for how long?

Both registration and IP connection history records are retained for the life of the gamertag account. Because the volume of IP connection history records may be large, when possible please ask for the specific date range of records you are specifically interested in receiving. A full listing of retained records is below:

- Gamertag
- Credit card number
- Phone number
- First/last name with zip code

- Serial number but only if box has been registered online. "Console ID" is better.
- Service request number from Xbox Hotline (e.g. SR 103xx-xx-xx)
- E-mail account (e.g. @msn.com, @hotmail.com or any other Windows Live ID account name)
- IP history for the lifetime of the gamertag (only one gamertag at a time)

If your investigation involves a stolen Xbox console, if the console serial number or Xbox LIVE user gamertag is provided and the console has been connected to the Internet, IP connection records may be available.

### Sample Xbox LIVE Account Results

🚳 XBOX			XBOX LIVE II	P ACTIVITY REPOR
	IP Report for		ag:	
Start Time UTC	End Time UTC	Gamer Tag	Title Name	IP
10/29/2005 08:59 PM	10/29/2005 09:00 PM		Xbox Dashboard	
10/29/2005 09:01 PM	10/29/2005 10:39 PM		The on Dustinouru	
and the second se			SW: Jedi Academy	
10/29/2005 10:39 PM	10/29/2005 10:40 PM		Contraction of the local distance of the loc	
second address of the second	10/29/2005 10:43 PM		SW: Jedi Academy	
10/29/2005 10:39 PM 10/29/2005 10:41 PM 10/29/2005 10:43 PM	10/29/2005 10:43 PM 10/29/2005 10:44 PM		SW: Jedi Academy Xbox Dashboard Midnight Club 3: DUB Xbox Dashboard	
10/29/2005 10:39 PM 10/29/2005 10:41 PM 10/29/2005 10:43 PM 10/29/2005 10:45 PM	10/29/2005 10:43 PM 10/29/2005 10:44 PM 10/29/2005 10:56 PM		SW: Jedi Academy Xbox Dashboard Midnight Club 3: DUB Xbox Dashboard Midnight Club 3: DUB	
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# **Legal Process**

# Legal Process Required for Customer Account Information and Content

The Electronic Communications Privacy Act (ECPA) (18 U.S.C. §§ 2701-2712) sets forth the appropriate legal process required to compel Microsoft's Online Services Records Custodians to disclose customer records and contents:

- Information that may be disclosed with a subpoena. Basic subscriber information includes name, address, length of service (start date), screen names, other email accounts, IP address/IP logs/Usage logs, billing information, content (other than e-mail, such as in Windows Live Spaces and MSN Groups) and e-mail content more than 180 days old as long as the governmental entity follows the customer notification provisions in ECPA (see 18 U.S.C. §§ 2703(b), 2705.)
- **Court orders are required for the rest of the customer's profile (18 U.S.C.** § **2703(d)).** A court order issued pursuant to 2702(d) will compel disclosure of all of the basic subscriber information available under a subpoena plus the e-mail address book, Messenger contact lists, the rest of a customer's profile not already listed above, internet usage logs (e.g. WEBTV or MSN Internet Access), and e-mail header information (to/from) excluding subject line.
- Search warrants are required for contents. A search warrant will compel disclosure of all information available with a court order issued pursuant to 2703(d) (as listed above), plus all contents (if prior notice is not provided or an order for delayed notice is not obtained), and is the only means to compel the disclosure of e-mails, including subject line, in electronic storage <u>180 days or less\*\*</u>.
  - **\*\*A Note About Opened E-mail Content** <u>less than 181 days</u>: Under ECPA, e-mail in electronic storage for <u>180 days or less</u> may be disclosed pursuant to a search warrant. While some have interpreted "in electronic storage" to refer only to unopened mail, a Ninth Circuit decision in <u>Theofel et al v. Farey-Jones and Kwansy</u>, 341 F.3d 978 (9<sup>th</sup> Cir. 2003) held that opened e-mails on ISP servers are also in "electronic storage." Therefore, as Microsoft receives and processes legal process for its online services in the Ninth Circuit, Microsoft discloses both opened and unopened e-mail in electronic storage for 181 days or less only upon pursuant to a search warrant.

**Preservation Requests 18 U.S.C. § 2703(f):** Upon the request of a governmental entity, Microsoft shall preserve all information, including IP logs and contents for a period of 90 days from the date of the preservation. A preservation creates a snapshot of the information in or about the account at a particular point in time, but there is no update of the information throughout the preservation period. Per Microsoft policy, preservations may be extended up to two (2) times. Each extension shall be for a period of 90 days from the expiration of the current preservation, resulting in a maximum of 270 days on a given preservation. An extension does not create a new snapshot, but merely preserves the information for the additional period.