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MySpace.com

Official Law Enforcement Officers Investigators Guide

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Preface

This Law Enforcement Officers Guide is for law enforcement investigators interested in obtaining data collected and retained by the website MySpace.com (“MySpace”). The Guide is designed to provide information and assistance to law enforcement officers about what information is collected, how it is collected and how long it is retained by MySpace. It is also designed to assist law enforcement investigators to understand how to request properly the information they are subpoenaing. This guide has been prepared with the assistance of Parry Aftab of WiredSafety.org.

A. Introduction

The police have a significant role to play in achieving security of information and electronic commerce objectives through strong and effective partnerships, as well as proactive and innovative efforts. MySpace supports the vision of providing a safer and more secure environment for all users of the MySpace website. In support of and in the spirit of this vision, this Guide assists MySpace's partners in the law enforcement community.

MySpace is committed to a high level of cooperation with law enforcement to assist in investigating and identifying those involved in electronic crime and other crime with an electronic component. MySpace is also dedicated to assisting in the education of police staff and the public to enhance user safety. Therefore, MySpace created this Guide, which is designed to explain what information is retained and can be provided in response to a subpoena, and how the process works.

MySpace reserves the right to change any of the policies stated in this Guide at any time without notice. This Guide is intended solely for use by bona fide law enforcement agencies and may not be distributed to any other person or organization without the express written authorization of MySpace. MySpace will require verification that the person requesting this Guide is a bona fide law enforcement officer or acting on behalf of a law enforcement agency or prosecutor's office. This Guide is the property of MySpace and is protected by copyright laws. The contents of this Guide are confidential.

B. About MySpace

MySpace is a free website designed primarily for social-networking. It allows users to set up their own profile pages, which can include lists of their favorite musicians, books and movies, photos of themselves and others and links to pages within and outside the MySpace environment. There are many third party features which can be used with a MySpace profile, but which are not controlled by MySpace. MySpace has a privacy policy and terms of use agreement which control posts and activities on our website, such as forbidding nudity, violence, or offensive subject matter. It also has a team of employees assigned to enforce those policies and handle user inquiries.

MySpace does not charge its users to set up their profiles or establish an account. It does not require or accept credit card or other payments, and does not independently verify the identity of its users. It is possible for a user to establish a false identity or name. Because of this anonymity, even with a valid subpoena from law enforcement, the information may not be able to be provided by MySpace. Nonetheless, MySpace is committed to assisting with the investigation to the full extent consistent with applicable law and its website's privacy policies.

C. What Information MySpace Collects and Retains

Most profile information is publicly viewable and available. Publicly available information includes journal entries (in most cases unless the profile owner has elected to make the entry “private”), images, user comments, friend lists and public profile information such as first name, headline, music, movies, books and all other public sections on a MySpace profile.

In order to make an electronic copy of the public components of the profile in question, the investigator should save the web page(s) and files on her computer. While viewing the profile in question, click your browser’s “File” menu tab (in the upper left-hand corner) then drop down to and click “Save As”. Make sure to do the same for all journal entries and the image gallery.

Subpoenaing Private Information

To request private (non-public) information from MySpace about a specific profile or user, we require a subpoena, search warrant or other legal process. The following list is private content that is not publicly accessible. Some of the content is provided by the users themselves upon registration when updating profiles. Other items are collected by the site automatically or involve communications on MySpace.

These include:

- IP logs (recorded at time of login)
- Date profile created
- Dates and times of login (PST)
- E-mail address provided by user
- Zip code provided by user
- Name provided by user
- Private Messages
- Private blogs

Please note that the information provided by the user may not necessarily be accurate. Users do not need to confirm their email address, nor is this information verified by MySpace. Computer savvy users may also fake IP addresses if they use a proxy server.

D. Current MySpace Retention Periods*

MySpace retains information on its users for certain periods of time. To the extent law enforcement seeks information relating to publicly available or private information on MySpace, the retention periods should be noted so that MySpace can respond to the subpoena in the most helpful manner. To the extent information that was scheduled to be deleted needs to be retained by MySpace due to an on-going law enforcement investigation, MySpace will do so in response to a written law enforcement preservation request. (see Section E below)

i. Active Accounts

Data and Images on an active account

Data and images on an account are maintained as long as the user has not removed or edited the content from the profile.

MySpace does not retain information that is altered on or removed from an active profile. Once a change is made, existing information is overwritten.

IP Logs

Each IP Log is available for up to ninety days after the applicable login on the account.

Private Messages in an Active Account User's Inbox

Private messages are retained until the user removes them. MySpace cannot recover the removed message, but could attempt to retrieve it elsewhere only if it is in another user's Sent Mail and MySpace knows the identity of the sender.

Sent Mail

Sent mail is retained for 14 days.

Trash Mail

Trash mail (mail that has been read and discarded) is retained 30 days or less. Note that users can empty their trash at any time after which the data is permanently lost.

ii. Deleted Accounts

No mail (inbox or sent mail) is available for deleted accounts.

User ID, IP Address, Login date stamps are retained for up to 90 days after account deletion.

Profile information is available for up to ten days after account deletion.

* Please note that all retention periods are estimated and may vary depending on system conditions and other circumstances.

E. Requests to Preserve Records

While MySpace's normal retention periods for various account information appears above, in special circumstances, it can retain records for longer periods of time to enable law enforcement to obtain the requisite subpoenas, court orders or to continue with an active investigation. In order for MySpace to preserve records, the law enforcement agency must submit a signed letter on law enforcement letterhead requesting that MySpace preserve the records. Please use the MySpace law enforcement telephone number and e-mail contact information that appear on the cover of this Guide to inquire about this procedure.

Attached in our form section is a sample letter for a preservation request that can be faxed to MySpace. Once an account has been preserved, the following will occur unless other arrangements are made with MySpace and indicated in the letter:

- The account will still be publicly viewable
 - The user will not be able to log into her account
 - Information in the Sent Mail/Trash folder is still subject to automatic deletion.
- MySpace can only preserve a currently active (non-deleted) account.

If restricting the user's access to the profile will impede an investigation, you may request that private messages be output to a flat file for preservation before a subpoena is served. You must specifically request in the letter that the user **not** be notified of the investigation if you do not want the subject account to be locked.

F. How to Request Records/Information via Court Order/Subpoena

MySpace will accept subpoenas delivered by fax or mail. MySpace will respond to out-of-state U.S.-based subpoenas and court orders. Requests from non-US law enforcement agencies may be handled differently; please contact the MySpace law enforcement office before serving the subpoena request. The fax and e-mail addresses are located on the cover of this Guide, and are listed below.

When law enforcement officials draft a subpoena in order to request private information, it should be as specific as possible. MySpace has more than 50 million users and therefore the 'FriendID' of the relevant account should be in the subpoena. The FriendID can be located in the web address of the profile in question.

Example of FriendID for Tom's profile:

<http://www.myspace.com/index.cfm?fuseaction=user.viewProfile&friendID=6221&Mytoken=20050518161358>

The above FriendID in this example is '6221'. This unique number allows us to locate the profile. If the profile appears as 'MySpace.com/Tom', click on the 'View More Pics' link. This will display the following link:

<http://viewmorepics.myspace.com/index.cfm?fuseaction=user.viewPicture&friendID=6221&friendName=Tom&Mytoken=20050829192700>

The FriendID can then be located in the URL.

Please be as specific as possible in the subpoena as to what information is being requested. For example, "Request for FriendID 6221 IP logs, email address and private messages located in the user's Inbox and Sent Mail Records for date range 5/14/2006-6/16/2006."

The preferred way for MySpace to respond to the subpoena is via E-mail because the data is presented in an Excel spreadsheet. Therefore, if possible, specify on the subpoena the email address to which results can be sent and where an authentication letter can be faxed.

The MySpace user will still have access to his/her account after MySpace has been served with legal process, unless MySpace has been requested to lock and preserve the account. If locking the account will impede the investigation, please contact MySpace in advance to see if special arrangements can be made. Please note that if MySpace does not lock the account, the user has the ability to delete, modify and edit the account data.

Our fax number for subpoenas, warrants and other legal processes is 310.394.4180; the email address is lawenforcement@myspace.com.

G. What Information Can Be Provided in Response to a Subpoena and How to Interpret It

Deciphering the information sent from MySpace

Email Address

Please note that an email address consists of two parts: A username and then the domain that hosts the email account.

Example: Abuse@MySpace.com

'Abuse' is the username and all information after the '@' belongs to the domain (which in this case is MySpace.com). Therefore, you should contact MySpace.com to make inquiries about the username 'Abuse'.

IP Logs

IP Logs also include a date stamp. All IP logs provided by MySpace.com are Pacific Standard Time zone.

Example: 67.134.143.254 08/22/2005 3:15 PM PST

You can find out which Internet Service Provider the IP address belongs to by going to a Reverse DNS site, such as <http://www.whois.sc> and entering the IP address into a search field.

The IP Address in the example above (67.134.143.254) generated the following result:
Qwest Communications QWEST-BLKS-5 (NET-67-128-0-0-1)
67.128.0.0 - 67.135.255.255

That means the IP address belongs to Qwest Communications. Qwest Communications could be contacted to provide the information about what individual or company was using that IP address at that date and time.

MySpace has included more resources later in this document about looking up IP addresses. Please refer to the section titled 'Understanding IP Addresses'.

Private Messages

There will be two separate tabs on the bottom of the Excel spreadsheet for the Private Messages. One is the 'Sent From User' and the other is 'To User'. These are messages that are sent from the user in question to other users and that are located in the user's "Sent Mail" records, and messages from other users to the user in question that are located in the user's "Inbox" records, respectively.

The spreadsheet for private messages will have the following five headers:

ToUserid	FromUserid	Subject	Body	CreatedDate
----------	------------	---------	------	-------------

ToUserid is the FriendID of the account the message is sent to.

FromUserid is the FriendID of the account the message is sent from.

Subject is the subject line of the message in question.

Body is the actual content of the message.

CreatedDate is the date stamp of the message.

Example:

ToUserid	FromUserid	Subject
6221	222345245322	RE: Welcome to MySpace.com

Body

Thank you Tom for the welcome!

----- Original Message -----

From: <A

HREF='http://www.myspace.com/index.cfm?fuseaction=user.viewProfile&friend
ID=6221&Mytoken=20050423222742'>Tom Date: Apr 23, 2005 4:49 PM
Hi, My name is Tom! Welcome to MySpace

CreatedDate

4/23/2005 22:29

Please note the '----- Original Message -----' in the body of the message and the 'Re' ("Regarding") in the subject line shows that the user in question is responding to an existing private message sent to him. The responding email shows who the original sender is, as well as the time and date sent.

H. Sample Forms

i. Sample Subpoena

Example of a Subpoena Duces Tecum:

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF WIDGETVILLE

In the Matter of the Appearance
and Attendance Before the Grand Jury

Subpoena Number
Subpoena Duces Tecum

The State of Arizona, to:

MySpace.com
ATTN: Custodian of Records
1333 2nd St, First Floor
Santa Monica, CA 90401
Phone: 310 917 4945
Fax: 310 394 4180

You are hereby commanded pursuant to appear before the inquest of the Grand Jury which will be in session in the above-entitled court, by coming to (Address of the Court house) on the [] day of , 200[], at the hour of [], to testify and give evidence in all such matters and things as may be there inquired of you; and to act on hearings of said Grand Jury until by them excused, and to bring with you:

- 1) IP Logs (recorded at time of login) for Friend ID #####
- 2) Dates and times of login (PST) for Friend ID #####
- 3) Subscriber information for Friend ID #####
- 4) Private messages in the user's inbox, trash and sent mail for Friend ID #####

Compliance may be made either on the specified date by delivery to the Grand Jury or prior to that date by delivery to (Your Name), (Address), (Phone and Fax), (EMAIL ADDRESS), hereby made an agent of the Grand Jury in the pending investigation to which the subpoenaed items relate, for the purpose of receiving, examining and maintaining said items.

You are cautioned that disclosure of any matter attending a Grand Jury proceeding, including disclosure of your receipt of or compliance with this subpoena, is a crime.

Of this, fail not, under penalty for contempt of the court.

Witness my Hand and Seal of said Court this [] day of [], 200[].

Clerk of the Superior Court

ii. Sample Preservation Request Letter

(Must be on law enforcement department letterhead)

Custodian of Records
MySpace.com
1333 2nd Street, First Floor
Santa Monica, CA 90401

Re: Preservation Request

Dear Custodian of Records:

The below listed account/profile is the subject of an ongoing criminal investigation at this agency, and it is requested that said account/profile and all related records, communications and data, and any other information contained therein, be preserved pending the issuance of a search warrant or other legal process. (Specify any information you may want here, see suggested wording for subpoena and warrant requests above.) I understand that MySpace.com will lock the profile/account in question, thereby rendering the account inaccessible to its owner.

Profile URL:

FriendID:

If you have any questions concerning this request please contact me at [insert e-mail address and phone contact]

Thank you for your assistance in this matter.

Sincerely,

(Your Signature)

(Your Name Typed)

(Your Title Typed)In some cases, a

MySpace user may consent to a law enforcement request for information. This can facilitate the process, and avoid the investigation team's need to obtain a warrant, court order or subpoena

iii. Sample Consent Form

(Must be on the investigating agency or department letterhead)

I, "XYZ", being duly sworn, on this [insert date] do hereby state the following:

I have one or more profiles on MySpace.com.
The URLs / FriendIDs are:

I understand that the "ABC" agency is conducting an official criminal investigation and has requested that I grant my consent to authorize the "ABC" agency to access, request, receive, review, copy and otherwise utilize, as they deem appropriate, all information of any kind held by MySpace.com relating to my MySpace.com profiles/accounts.

I hereby authorize MySpace.com to provide to any agent of the above referenced agency, any and all records relating to my MySpace.com profile/account, whether now existing or hereafter created, including, without limitation: (Please list each type of information you are requesting. See suggested requests above.)

Pursuant to this Consent, I waive any claims against, indemnify and hold harmless MySpace.com, its affiliates, and their respective directors, officers, agents, and employees from and against any claims, damages or expenses relating to or arising from, in whole or in part, the disclosure of such information, records and data.

I have not been promised anything in exchange for providing this consent and authorization.

In witness whereof, the undersigned makes the above statements under penalty of perjury.

Member Signature and Printed Name

Date

Law Enforcement Witness Signature, Printed Name
and Printed Title

Date

I. Understanding IP Addresses

Most IP addresses are temporarily provided by the user's Internet service provider. You can search for the owner of any range of IP addresses by doing a "Whois" lookup. Here are some suggested websites to search IPs.

<http://www.whois.sc>

<http://www.networksolutions.com/cgi-bin/whois/whois>

<http://www.arin.net/whois/arinwhois.html>

<http://www.ripe.net/db/whois.html> (Europe)

<http://www.apnic.net/apnic-bin/whois.pl> (Asia Pacific)

<http://www.nsiregistry.com/>

<http://www.registrars.com/static/whois/index.shtml>

<http://www.nic.mil/dodnic/>

Each ISP has an investigator's guide of its own, advising law enforcement agencies how to request information from them about one of their subscribers or users of their services. You may want to contact the ISPs in advance of any investigation so you have the information on hand when needed.

J. Websites and Resources

www.myspace.com/misc/safetytips.html - MySpace.com's Safety Tips section which includes a section dedicated to parents concerned about their child's Internet use.

United States Department of Justice, Office of Justice Programs, National Institute of Justice, publishes an investigative guide for electronic crime. The information contained in [Electronic Crime Scene Investigation-A Guide for First Responders \(available free of charge and downloadable from the Department of Justice website \(www.ncjrs.org/pdffiles1/nij/187736.pdf\)\)](http://www.ncjrs.org/pdffiles1/nij/187736.pdf) helps line officers perform their jobs.

www.wiredsafety.org - Resource for online safety, education and law enforcement assistance.

www.cyberlawenforcement.org - WiredSafety's law enforcement website.