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MSN ONLINE SERVICES

Law Enforcement Use Only

Law Enforcement Hotline: (425) 722-1299

Where to Serve Criminal Legal Process

<p><u>MSN Services</u> <u>(MSN.com, WebTV, Groups, Chat, Messenger, etc):</u></p> <p>FAX: (425) 727-3490 Microsoft Corporation Attn: MSN Custodian of Records One Microsoft Way Redmond, WA 98052-6399</p>	<p><u>MSN Hotmail/Passport:</u></p> <p>FAX: (650) 693-7061 MSN Hotmail Attn: Custodian of Records 1065 La Avenida, Building 4 Mountain View, CA 94043</p>
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Summary of MSN Record Retention Policies

MSN Hotmail IP Logs	60 days
MSN email connection access logs	60 days
MSN internet connection access logs	60 days
MSN TV phone (ANI) connection logs	60 days
MSN TV website access IP logs	13 days
MSN Group IP logs	60 days
MSN Member Directory logs	None
MSN Chat Room Dialogue	None
MSN Instant Messenger Conversations	None
Passport	Varies depending on connection

EMERGENCY REQUESTS

MSN Online Services will respond to emergency requests outside of normal business hours if the emergency involves "the immediate danger of death or physical injury to any person..." as defined in 18 U.S.C. § 2702(c)(4) and (b)(8). Emergencies are limited to situations like kidnapping, murder threats, bomb threats, terrorist threats, etc.

If you have an emergency request, please call the law enforcement hotline at (425) 722-1299.

Legal Documentation Required for Customer Account Information and Content

The Electronic Communications Privacy Act (ECPA) (18 U.S.C. § 2701 through 2712) governs what legal documentation is required in order for Microsoft's MSN Hotmail records custodians to disclose customer account information and email content. For most MSN Online Properties:

Basic Subscriber Information 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, and email content greater than 180 days old as long as the governmental entity follows the customer notification provisions in ECPA (see 18 U.S.C. § 2705.)

Court Orders are Required for the Rest of the Customer's Profile (18 U.S.C. § 2703(d) court order.) A 2703(d) court order will compel disclosure of all of the Basic Subscriber Information available under a subpoena plus the Address Book, Buddy Lists, the rest of a customer's profile not already listed above, internet usage logs (WEBTV), email header information (to/from) excluding subject line, and email content greater than 180 days old as long as the governmental entity follows the customer notification provisions in ECPA (see 18 U.S.C. § 2705.)

Search Warrants are Required for All Email Content Under 180 days.** A search warrant will compel disclosure of all information available with a subpoena or 2703(d) court order (as listed above), plus all email content including subject line for emails under 180 days.

****A Note About Opened Email Content Under 180 days:** Under ECPA, opened email stored 180 days or less may be disclosed pursuant to a subpoena or 2703(d) order (as long as a governmental entity follows the customer notification provisions in 18 U.S.C. § 2705) while unopened email stored 180 days or less (email in "electronic storage") may only be disclosed pursuant to a search warrant. A Ninth Circuit decision in *Theofel et al v. Farey-Jones and Kawansy*, 341 F.3d 978 (9th Cir. 2003) held that opened emails on ISP servers are also in "electronic storage". 18 U.S.C. § 2703(a) states that email "in electronic storage... for one hundred eighty days or less" may only be disclosed pursuant to a search warrant. Therefore, as Microsoft's MSN Hotmail servers are located within the Ninth Circuit (CA), Microsoft only discloses opened and unopened email in electronic storage 180 days or less pursuant to a search warrant.

Preservation Requests 18 U.S.C. § 2703(f): Preserve all information, including IP logs and email contents for a period of 90 days from the date of the requests. Preservation extensions may be served up to two (2) times after the initial request. Each request may extend another 90 days from the date of the current extension. There is a maximum of 270 days on a preservation request.

Last Revised: 4/05