



Law Enforcement Compliance Guide

About Photobucket

Photobucket is the easiest and most reliable way for people to create, manage and share their personal media online. With more than 40 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 actively moderates content to create a safe environment for its users, partners, and advertisers.

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1. NCMEC Reporting (cases dealing with child pornography)

Q: What is Photobucket's 'Content Moderation' process?

A: Photobucket.com attempts to moderate, using both technology and staff, 100% of its content. This means that between five and eight million images uploaded per day are being viewed by a team of 40-60 individuals. The 'Content Moderation' team's purpose is to determine which content is deemed to be in violation of Photobucket's Terms of Service (TOS). For details see <http://photobucket.com/terms.php>. Once content has been identified as offensive, it is further reviewed to determine the severity of the infraction. If the infraction is severe enough, Photobucket has the authority to ban the account for any violations of the TOS including for one of the following reasons:

- Pornography
- Animated Pornography
- Child Erotica
- Child Pornography (these accounts are reported the next day to NCMEC)
- Harmful/Threatening
- Copyright Violation
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The following happens when an account is banned:

- The contents of the account (all images/videos at the time of the ban) are preserved indefinitely for law enforcement purposes.
- The user data (all registered subscriber info, IPs, dates/times, etc) is preserved indefinitely.
- The password to the account gets changed so the owner can no longer access their content.
- The contents of the account are no longer visible via the Photobucket 'Search Engine'.

Q: What does the date and time on the NCMEC report signify?

A: The dates and times on the NCMEC report relate to when the account was banned by Photobucket. This is considered the 'Incident Date/Time', and will have the same meaning if it shows up in multiple places on the report.

Q: Is the ‘Incident Date’ on the NCMEC Report the same as when the images were uploaded, or when the Photobucket account was created?

A: No, the ‘Incident Date’ on the NCMEC Report is the date/time that the account was ‘banned’ from Photobucket. This date and time is most likely always going to differ from the Photobucket join date, or when the images were originally uploaded.

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.

2. Requesting Information

Q: How can I contact Photobucket?

A.: Please use the following contact info for all of your needs, most of this is on the NCMEC report as well:

Jeff Gers – Product Knowledge Manager/Custodian of Records

Fax # 303-395-1165 (to be used for all legal documents)

Office # 303-228-5115 (available 9am-6pm MT M-F)

Email: jgers@photobucket.com (use this for 24/7 correspondence)

Photobucket
Attn: Jeff Gers
1099 18th St. Suite 770
Denver, CO 80202

Q: What information can Photobucket provide with a legal document?

A: Photobucket can provide the following with a legal document:

- Subscriber information - entered upon registration, which includes:
 - i. email address
 - ii. country
 - iii. first name
 - iv. last name
 - v. birth date
 - vi. highest degree
 - vii. sex
 - viii. zip code
- Account creation date/time - when offender joined Photobucket.
- Last accessed date - date of last login with username/password.
- Registered IP - ip address captured upon registration.
- Last accessed IP - ip address captured on last accessed date.
- Banned date/time - date and time that the account was banned.
- Modified date/time- when content was uploaded/modified w/Photobucket.
- Contents of account - .zip file containing all images/videos.
- **Photobucket does not verify subscriber information.**

Q: What information can Photobucket provide without a legal document?

A: Photobucket can provide the following without a legal document. This information must be requested via telephone, and will be emailed to an official law enforcement email address only :

- Account creation date/time - when offender joined Photobucket.
- Last accessed date - date of last login with username/password.
- Registered IP - ip address captured upon registration.
- Last accessed IP - ip address captured on last accessed date.
- Banned date/time - date and time that the account was banned.

Q: What information does Photobucket **not** have access to?

A: Photobucket does not currently, log or keep track of , the following:

- Last accessed time - Photobucket only logs the last accessed date.
- Last accessed IP logs – Photobucket only logs most recent last accessed ip address. This address continually overwrites itself per each login attempt.
- Upload IP per file – Photobucket does not log an ip address associated with each image/video that is uploaded.

Q: I want to issue a Preservation Order, what should I include in this document?

A: To request Photobucket information be preserved until a formal legal document can be issued, Photobucket will need a simple Preservation Order. Although we do not provide a specific form for these instances, using wording similar to the following would be helpful:

“The (Name of Dept./Division) is currently conducting a criminal investigation in response to information provided to/by the *National Center for Missing and Exploited Children (NCMEC) by Photobucket. As part of that investigation, we are requesting that information related to the screen name listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all subscriber information and account contents relating to the following Photobucket customer:”

Username: (This can be found on NCMEC report)

Cybertip Report: (from the NCMEC report, if one was created)

Registered IP: (this is on the NCMEC report, but is optional for our records)

*If your case is not child pornography related, please specify the nature of the matter in this part of the paragraph.

Q: I want to issue a subpoena, search warrant, court order, or similar, what should I include in this document?

A: Please include the following information when issuing a subpoena, search warrant, court order, or similar:

- Photobucket username/cybertip # associated with case.
- Brief description of the case.
- Information that is requested (IPs, subscriber info, images, etc).
- A return address (non-P.O. Box) where a CD-ROM can be mailed back to.
- An email address where you can be reached for confirmation purposes.

3. Analyzing Results

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 FedEx.

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

A: You will find 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

Special Cases:

ReadMe.txt – this typically contains additional information for special cases.

username-tossed.zip – if there were images/videos removed from the offender's Photobucket account before they were banned, they will be in this file on the CD-ROM. Unfortunately, the 'Modified' dates for the images that were 'tossed' will be overwritten with the date that they were removed by Photobucket. This file may or may not be on every CD.

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. Here is some additional information:

- 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.
- The 'Modified' date/time found here is when the content was either uploaded into Photobucket, or modified in the account by rotating or resizing.

Note: 'Modified' is the closest date/time that Photobucket has for when the content was uploaded into the account. This time is not the exact time of upload, but rather when the content was sampled into Photobucket's 'Content Moderation' system. The difference is normally within a few

hours, but may be up to 12 hours on weekends, or days when there is less staff coverage.

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!

4. 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>

ALL DATES AND TIMES ARE IN MOUNTAIN TIME