



Tagged.com

Official Law Enforcement Officers Investigators Guide

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Preface

This Law Enforcement Guide is for law enforcement investigators interested in obtaining data collected and retained by the website Tagged.com (“Tagged”). 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 Tagged. It is also designed to assist law enforcement investigators to understand how to request properly the information they are subpoenaing.

A. Introduction

Tagged 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. Tagged is also dedicated to assisting in the education of police staff and the public to enhance user safety. Tagged created this Guide to explain what information is retained and can be provided in response to a subpoena, and how the process works.

Tagged 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 Tagged. Tagged 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 Tagged and is protected by copyright laws. The contents of this Guide are confidential.

B. About Tagged

Tagged 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, and photos of themselves. There are many third party features which can be used with a Tagged profile, but which are not controlled by Tagged. Tagged 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.

Tagged 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 Tagged. Nonetheless, Tagged is committed to assisting with the investigation to the full extent consistent with applicable law and its website's privacy policies

C. What Information Tagged 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/last initial, screen name, music, stats, and all other public sections on a Tagged 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 Tagged 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 Tagged.

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
- Screen Name
- Private Messages

The following are only retained if the user has not deleted them from their page:

- Confessions
- Boxxes
- Journals

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 Tagged. Computer savvy users may also fake IP addresses if they use a proxy server.

D. Current Tagged Retention Periods*

Tagged 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 Tagged, the retention periods should be noted so that Tagged 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 Tagged due to an on-going law enforcement investigation, Tagged 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.

Tagged 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

Generally, IP logs are saved for 6 months.

Private Messages in an Active Account User's Inbox

Private messages are retained until the user removes them. Tagged may be able to recover them if the sender's Tagged User ID or email address is provided.

Sent Mail

Sent mail is only retained if the user saves their outgoing messages. Tagged can retrieve outgoing messages from users only if the intended recipients Tagged User ID and/or email address is provided.

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

Mail is available for deleted accounts with the same rules as active accounts.

Generally, IP addresses can be retrieved for deleted accounts if within the past 6 months.

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

E. Requests to Preserve Records

While Tagged'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 Tagged to preserve records, the law enforcement agency must submit a signed letter on law enforcement letterhead requesting that Tagged preserve the records. Please use the Tagged 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 Tagged. Once an account has been preserved, the following will occur unless other arrangements are made with Tagged and indicated in the letter:

- The account will still be publicly viewable
- The user will not be able to log into his/her account
- Information in the Sent Mail/Trash folder is still subject to automatic deletion.

Tagged 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/Subpeona

Tagged will accept subpoenas delivered by fax or mail. Tagged 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 Tagged 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. Tagged has more than 3.5 million users and therefore the “User ID” of the relevant account should be in the subpoena. The User ID can be located in the web address of the profile in question.

Example of a User ID for Jill’s profile:

<http://www.tagged.com/mypage.html?uid=1281841>

The above User ID in this example is “1281841”. This unique number allows us to locate the profile.

Please be as specific as possible in the subpoena as to what information is being requested. For example, “Request for User ID 1281841 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 Tagged 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 Tagged user will still have access to his/her account after Tagged has been served with legal process, unless Tagged has been requested to lock and preserve the account. If locking the account will impede the investigation, please contact Tagged in advance to see if special arrangements can be made. Please note that if Tagged 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 415-901-0778; the email address is safetysquad@Tagged.com.

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

Deciphering the information sent from Tagged

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@Tagged.com

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

IP Logs

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

Example: 67.134.143.254 9/22/2006 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.

Tagged 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 'Messages received By 1281841' and the other is 'Messages Sent By 1281841'. 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 seven headers:

Message_ID From User ID Subject Date_Sent Folder_Type Message

Message_ID:

To_User_ID: is the User_ID of the account the message is sent to.

From_User_ID: is the User_ID of the account the message is sent from.

Subject: is the subject line of the message in question.

Message: is the actual content of the message.

Folder_Type: is the folder the message was retrieved from.

Example:

To_User_ID	From_User_ID	Subject
1281841	455542	RE: Welcome to Tagged.com

Message

Thank you for the welcome!

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

From: 1281841

Message: <?xml version="1.0"?>

<message-data> <current> <![CDATA[<P>Hey, welcome to Tagged!</P>]]></current><history /></message-data>

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 Subpoena Number

and Attendance Before the Grand Jury Subpoena Duces Tecum

The State of Arizona, to: Tagged.com

ATTN: Custodian of Records

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 User ID #####
- 2) Dates and times of login (PST) for User ID #####
- 3) Subscriber information for User ID #####
- 4) Private messages in the user's inbox, trash and sent mail for User 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

Tagged.com
840 Battery Street
San Francisco, CA. 94111

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 Tagged.com will lock the profile/account in question, thereby rendering the account inaccessible to its owner.

Profile URL:

User ID:

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 Tagged 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 Tagged.com.

The URLs / User IDs 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 Tagged.com relating to my Tagged.com profiles/accounts.

I hereby authorize Tagged.com to provide to any agent of the above referenced agency, any and all records relating to my Tagged.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 Tagged.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.Tagged.com/misc/safetytips.html - Tagged.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)) 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.