



AT&T Transparency Report





Introduction

We take our responsibility to protect your information and privacy very seriously. We continue our pledge to protect your privacy to the fullest extent possible and in compliance with the laws of the country where your service is provided.

Like all companies, we are required by law to provide information to government and law enforcement agencies, as well as parties to civil lawsuits, by complying with court orders, subpoenas, lawful discovery requests and other legal requirements. We ensure that these requests are valid, and that our responses comply with the law and our own policies.

This Report

This report provides specific information regarding the number and types of demands to which we responded for the second half of 2014, as well as National Security Demands for the first half of 2014, which we are providing subject to the U.S. Department of Justice's guidelines. For comparison purposes, we included data from our prior report. For the first time, this report includes information for Cricket™ Wireless.

Privacy Advocacy

The privacy of AT&T's customers around the world is of paramount importance to us. During this reporting period, AT&T joined other technology companies and public interest groups in advocating for limits on the government's ability to obtain customer communications stored abroad. AT&T believes that law enforcement should respect the laws of other countries and work through established treaties and U.S. law enforcement must demonstrate a clear relationship between the customer or content and the U.S. before obtaining content stored abroad. Our country's respect for international data protection standards will help ensure that the privacy interests of Americans are also respected by other countries. AT&T filed a brief¹ in the Second Circuit Court of Appeals and supported a proposed law known as the [LEADS Act](#), advocating this view.

¹ Brief of Amici Curiae AT&T Corp., et al., *Microsoft Corp. v. U.S.A.*, Civil Action No. 14-2985-CV, 2014 WL 7213180 (2d Cir. Dec. 15, 2014)

The chart below includes hyperlinks to additional information on the category of data reported.

NATIONAL SECURITY DEMANDS		
National Security Letters	Jan. – June 2014	July – Dec. 2014
• Total Received	1,000 – 1,999	0-999
• Number of Customer Accounts	2,000 – 2,999	1,000 – 1,999
Foreign Intelligence Surveillance Act²	July – Dec. 2013	Jan. – June 2014
• Total Content	0 - 999	0-999
○ Customer Accounts	33,000 - 33,999	18,000-18,999
• Total Non-Content	0 - 999	0-999
○ Customer Accounts	0 - 999	0-999

TOTAL U.S. CRIMINAL & CIVIL DEMANDS		
Total Demands (Federal, State and Local; Criminal and Civil)	Jan – June 2014	July – Dec. 2014
	115,925	147,830
• Subpoenas	86,943	114,811
○ Criminal	78,975	103,710
○ Civil	7,968	11,101
• Court Orders (General)	15,105	16,756
○ Historic	12,569	13,518
○ Real-Time (Pen registers)	2,536	3,238
• Search Warrants / Probable Cause Court Orders		
○ Historic	9,393	11,592
▪ Stored Content	2,532	3,219
▪ Other	6,861	8,373
○ Real-Time	4,484	4,671
▪ Wiretaps	1,167	1,253
▪ Mobile Locate Demands	3,317	3,418

² The Department of Justice imposes a six-month delay for reporting this data.

DEMANDS REJECTED/PARTIAL OR NO DATA PROVIDED

(Breakout detail of data included in Total U.S. Criminal & Civil Demands)

	Jan – June 2014	July – Dec. 2014
Total	31,097	40,001
• Rejected/Challenged	2,110	2,688
• Partial or No Information	28,987	37,313

LOCATION DEMANDS

(Breakout detail of data included in Total U.S. Criminal & Civil Demands)

	Jan – June 2014	July – Dec. 2014
Total	30,886	33,187
• Historic	23,646	25,822
• Real-Time	6,956	6,673
• Cell Tower	284	692

EMERGENCY REQUESTS

	Jan – June 2014	July – Dec. 2014
Total	50,232	56,719
• 911	39,449	45,463
• Exigent	10,783	11,256

INTERNATIONAL DEMANDS

	Jan – June 2014	July – Dec. 2014
Total Demands	17	10
• Law Enforcement	11	4
• URL/IP Blocking	6	6



Explanatory Notes

NATIONAL SECURITY DEMANDS

The Department of Justice’s guidance, issued on Jan. 27, 2014, authorized us to report on the receipt of National Security Letters and court orders issued under the Foreign Intelligence Surveillance Act (FISA), with the exception of data, if any, related to the so-called bulk telephony metadata program. See <http://www.justice.gov/opa/pr/2014/January/14-ag-081.html>.

National Security Letters are subpoenas issued by the Federal Bureau of Investigation in regard to counterterrorism or counterintelligence. These subpoenas are limited to non-content information, such as a list of phone numbers dialed or subscriber information.

Court orders issued pursuant to FISA may direct us to respond to government requests for content and non-content data related to national security investigations, such as international terrorism or espionage.

These types of demands have very strict policies governing our ability to disclose the requests. The recent “Statistical Transparency Report Regarding Use of National Security Authorities” published by the Director of National Intelligence on June 26, 2014, does not alter the Department of Justice’s Jan. 27, 2014, guidance.

See http://icontherecord.tumblr.com/transparency/odni_transparencyreport_cy2013.

Consistent with guidance from January 2014, our report includes the range of customer accounts potentially impacted by these National Security Demands.

TOTAL U.S. CRIMINAL & CIVIL LITIGATION DEMANDS

This number includes demands to which we responded in connection with criminal and civil litigation matters. This category doesn’t include demands reported in our National Security Demands table.

Criminal proceedings include actions by the government — federal, state, and local — against an individual arising from an alleged violation of applicable criminal law.

Civil actions include lawsuits involving private parties (i.e., a personal liability case, divorce proceeding, or any type of dispute between private companies or individuals). In addition, civil proceedings include investigations by governmental regulatory agencies such as the Securities and Exchange Commission, the Federal Trade Commission and the Federal Communications Commission.

We ensure we receive the right type of legal demand.

We receive several types of legal demands, including subpoenas, court orders, and search warrants. Before we respond to **any** legal demand, we determine that we have received the correct type of demand based on the applicable federal and state laws and the type of information being sought. For instance, in some states we must supply call detail records if we receive a subpoena. In other states, call detail records require a court order or search warrant. If the requesting agency has failed to send the correct type of demand, we reject the demand.

Types of Legal Demands

Subpoenas, court orders and search warrants are used to demand information for use in criminal trials, lawsuits, investigations, and other proceedings. If the applicable rules are followed, we're legally required to provide the information.

"Total U.S. Criminal & Civil Demands" reflects the type of demand with the information requested, particularly relating to general court orders and search warrants.

- **Subpoenas** don't usually require the approval of a judge and are issued by an officer of the court, i.e., an attorney. They are used in both criminal and civil cases, typically to obtain testimony or written business documents such as calling records and basic subscriber information such as the name and address listed on the billing account.
- **General Court Orders** are signed by a judge. We consider "general" court orders as all orders except those that contain a probable cause finding. In a criminal case, for example, a judge may issue a court order on a lesser standard than probable cause, such as "relevant to an ongoing criminal investigation." In a civil case, a court order may be issued on a "relevant" or "reasonably calculated to lead to the discovery of admissible evidence" standard. For this report, general court orders were used to obtain historical information like billing records or the past location of a wireless device. In criminal cases, they are also used to obtain real-time, pen register/"trap and trace"

information, which provides phone numbers and other dialed information for all calls as they are made or received from the device identified in the order.

- **Search Warrants and Probable Cause Court Orders** are signed by a judge, and they are issued only upon a finding of “probable cause.” To be issued, the warrant or order must be supported by sworn testimony and sufficient evidence to believe the information requested is evidence of a crime. Probable cause is viewed as the highest standard to obtain evidence. Except in emergency circumstances, a search warrant or probable cause court order for all real-time location information (i.e., wiretaps and GPS) and stored content (i.e., text and voice messages) is required for all jurisdictions, courts, and agencies.

DEMANDS REJECTED/PARTIAL OR NO DATA PROVIDED

We ensure that we receive the appropriate type of demand for the information requested. In this category, we include the number of times we rejected a demand or provided only partial information or no information in response to a demand. Here are a few reasons why certain demands fall into this category:

- The wrong type of demand is submitted by law enforcement. For instance, we will reject a subpoena requesting a wiretap, because either a probable cause court order or search warrant is required.
- The demand has errors, such as missing pages or signatures.
- The demand was not correctly addressed to AT&T.
- The demand did not contain all of the elements necessary for a response.
- We had no information that matched the customer or equipment information provided in the demand.

LOCATION DEMANDS

Our Location Demands category breaks out the number of court orders and search warrants we received by the type of location information (historical and real-time) they requested. We also provide the number of requests we received for cell tower searches, which ask us to provide all telephone numbers registered to a particular cell tower for a certain period of time (or to confirm whether a particular telephone number registered on a particular cell tower at a

given time). We do not keep track of the number of telephone numbers provided to law enforcement in connection with cell tower searches.

A single cell tower demand may cover multiple towers. Beginning with our last report, we are disclosing both the total numbers of demands and the total number of cell tower searches. For instance, if we received one court order that included ID numbers for two cell towers, we count that as one demand for two searches. For the 692 cell tower demands during this period, we performed 1,839 searches. We also maintain a record of the average time period that law enforcement requests for one cell tower search, which was 2 hours, 33 minutes for this reporting period.

Except in emergency situations, we require the most stringent legal standard — a search warrant or probable cause court order — for all demands for specific location information. The legal standard required for the production of other location data is unsettled. Under current law, the lower standard of a general court order, which does not require a probable cause finding, often applies to demands for these location records. Some parties are challenging this standard, arguing that the search warrant standard of “probable cause” should apply. AT&T continues to advocate for clarification as to which standard should be applied, as clarity would benefit the privacy interest of the public, as well as eliminate uncertainty for law enforcement and companies responding to such demands. With the exception of emergency situations, we require an order signed by a judge before producing any type of location information to law enforcement. We will continue to follow these legal developments and, in all circumstances, we will comply with the applicable law.

EMERGENCY REQUESTS

This category includes the number of times we responded to 911-related inquiries and “exigent requests” to help locate or identify a 911 caller. These are emergency requests from law enforcement working on kidnappings, missing person cases, attempted suicides and other emergencies. The numbers provided in this category are the total of 911 and exigent searches that we processed during this reporting period.

Even when responding to an emergency, we protect your privacy:

- When responding to 911 inquiries, we confirm the request is coming from a legitimate Public Safety Answering Point before quickly responding.

- For exigent requests, we receive a certification from a law enforcement agency confirming they are dealing with a case involving risk of death or serious injury before we share information.

INTERNATIONAL DEMANDS

International Demands represent the number of demands we received from governments outside the U.S., and relate to AT&T's global business operations in these countries. Such International Demands are for customer information stored in their countries, and URL/IP (website/Internet address) blocking requests.

We are not a content provider outside the U.S. but are required by some countries' laws to comply with requests to block access to websites that are deemed offensive, illegal, unauthorized or otherwise inappropriate in certain countries. These requests might be designed to block sites related to displaying child pornography, unregistered and illegal gambling, defamation, illegal sale of medicinal products, or trademark and copyright infringement. A demand may request that one or more identifiers (i.e., IP addresses or URLs) be blocked.

The majority of law enforcement demands involve requests for information relating to individuals. Because our global operations support only very large multi-national business customers, we received relatively few international demands. During the reporting period, we did not have a mobility network outside the U.S., and we did not provide services to individual consumers residing outside the U.S. We received no demands from the U.S. government for data stored outside the U.S. If we receive an international demand for information stored in the U.S., we refer it to that country's Mutual Legal Assistance Treaty (MLAT) process. The Federal Bureau of Investigation ensures that we receive the proper form of U.S. process (e.g., subpoena, court order or search warrant), subject to the limitations placed on discovery in the U.S., and that cross-border data flows are handled appropriately. Thus, any international-originated demands that follow an MLAT procedure are reported in our Total Demands category because we can't separate them from any other Federal Bureau of Investigation demand we may receive.

ADDITIONAL RESOURCES

You'll find more on our commitment to privacy in:

- Our [Privacy Policy](#).
- Our issues brief on [Privacy](#).
- Our issues brief on [Freedom of Expression](#).