

These guidelines are for law enforcement officials seeking information about Flutter users. When Flutter receives a request for user information from a government agency investigating criminal activity, the Flutter team reviews each request to be sure that it satisfies all legal requirements. Flutter is committed to cooperating with law enforcement while respecting each individual's right to privacy.

What is Flutter?

Flutter is an anonymous photo-sharing app that allows users to create and view photos within a 10-mile radius. Users can also post comments to existing photos. Flutter is available as a free mobile app for iOS.

What User Information Does Flutter Have?

Photos posted on Flutter are public, so anyone can see them. Flutter is an anonymous service – users do not register or create account names – and Flutter does not ask its users to provide their real names, mailing addresses, phone numbers, email addresses, or any other identifying information. Flutter does maintain a log, however, of the following information for each message posted:

- The IP address from which the message was posted;
- The GPS coordinates of the location from which the message was posted;
- The time and date when the message was posted.

Data Retention and Preservation Requests

Flutter retains different types of information for different time periods. Due to the real-time nature of Flutter, some information may be stored for only a very brief period of time.

Flutter will not retain data for law enforcement unless it receives a valid preservation request. Preservation requests must be submitted in writing, on official law enforcement letterhead, and signed by the requesting official. Please include screenshots of the messages that you wish to be preserved, if available. Requests may be sent as an email attachment (our contact information is below).

Legal Process Requirements

Flutter discloses user account information only in accordance with applicable law, including the federal Stored Communications Act ("SCA"), 18 U.S.C. § 2701 *et seq.* Flutter will only release non-public information about its users to law enforcement officials, and only in response to appropriate legal process, such as a subpoena, court order, or search warrant – or in response to a valid emergency request, as described below. Under the SCA:

- A valid administrative, grand jury, or trial subpoena in connection with an official criminal investigation or prosecution is required to compel Flutter to disclose certain specific types of "basic subscriber information" (defined in 18 U.S.C. § 2703(c)(2)). However, because Flutter is an anonymous service – there is no registration process for Flutter users – Flutter's records of "basic subscriber information," if any, are likely to be very limited.
- A court order issued under 18 U.S.C. § 2703(d) is required to compel Flutter to disclose certain non-content records associated with a user's account. This could include the time and date when a message was posted and the IP address associated with the message.
- A search warrant is required to compel Flutter to disclose the contents of any photos or comments associated with a user's account. In addition, Flutter

requires a search warrant for a user's GPS location information based on the Fourth Amendment to the U.S. Constitution.

Emergency Requests

Under 18 U.S.C. §§ 2702(b)(8) and 2702(c)(4), Flutter may disclose user account information to law enforcement – without a subpoena, court order, or search warrant – in response to a valid emergency when we believe that doing so is necessary to prevent death or serious physical harm to someone (for instance, in cases involving kidnapping, bomb threats, school shootings, or suicide threats). Flutter evaluates emergency requests on a case-by-case basis.

Any information Flutter provides in response to emergency requests is limited to what we believe would prevent the harm. This may include a user's IP address, GPS coordinates, photo/comment timestamps, and/or the contents of other photos/comments from the user's posting history.

Law enforcement officers can submit an emergency request as an email attachment (our contact information is below). Emergency requests must be submitted on law enforcement letterhead, and must include the following:

- a detailed description of the emergency;
- a description of the harm to be prevented;
- a detailed description of the Flutter post that you are seeking information about, including screenshots, if available;
- the specific information requested, including an explanation of why that information is necessary to prevent the harm;
- an explanation of why the information is needed without waiting for legal process;
- and the signature of the submitting law enforcement officer.

Please note that Flutter cannot review or respond to emergency requests sent by non-law enforcement officials. If you are aware of an emergency situation, you should immediately contact your local law enforcement officials.

Will Flutter Notify Users About Law Enforcement Requests?

Flutter does not have email addresses or other contact information for its users. Therefore, Flutter is unable to notify the user when it receives a request from law enforcement seeking account information.

Contact Information

Law enforcement officials may submit requests by mail or email to:

Flutter, Inc.

10971 Shadow Lane

Columbia, MD 21044

Email: legal@theflutterapp.com

Please Note: legal@theflutterapp.com is for law enforcement officials ONLY! Users wishing to have a post removed should use the report function

Receipt of correspondence by any of these means is for convenience only and does not waive any objections, including the lack of jurisdiction or proper service. Flutter will not respond to requests for user information sent by non-law enforcement officials.