



AT&T February 2021

Transparency Report

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Introduction

At AT&T, we take our responsibility to protect your information and privacy very seriously. You can learn more by reading our [Customer Privacy Issue Brief](#).

This Report

Like all companies, we are required by law to provide information to government and law enforcement entities, as well as parties to civil lawsuits, by complying with court orders, subpoenas, lawful discovery requests and other legal requirements. This AT&T Transparency Report provides (1) specific data regarding the number and types of legal demands to which we responded for the second half of 2020 that compelled AT&T to provide information about (a) communications or (b) our customers, as well as (2) information permitted by law to be disclosed about Foreign Intelligence Surveillance Act demands for the first half of 2020. The Transparency Report also provides information about legal demands that were partially or completely rejected, demands for location information, emergency requests and international legal demands.

In this report, “AT&T” includes all of AT&T’s operating units:

- AT&T Communications provides mobile, broadband, video and other communications services to U.S.-based consumers and nearly 3 million companies globally — from the smallest business to nearly all the Fortune 1000.
- WarnerMedia is a leading media and entertainment company that creates and distributes premium and popular content from a diverse array of talented storytellers and journalists to global audiences through its consumer brands, including: HBO, HBO Max, Warner Bros., TNT, TBS, truTV, CNN, DC Entertainment, New Line, Cartoon Network, Adult Swim, Turner Classic Movies and others.
- AT&T Latin America offers mobile services to people and businesses in Mexico and digital entertainment services in South America and the Caribbean.
- Xandr provides marketers with advanced advertising solutions enhanced with valuable customer insights from AT&T’s TV, mobile and broadband services, combined with extensive ad inventory including WarnerMedia’s cable networks and premium content from third-party media brands.

National Security Demands

National Security Letters

July-Dec. 2020

Total Received	000–499
Customer Selectors Targeted	1,000–1,499

Foreign Intelligence Surveillance Act

Jan.–June 2020

Total Content	0–499
Customer Selectors Targeted	8,500–8,999
Total Non-Content	0–499
Customer Selectors Targeted	0–499

Total U.S. Criminal & Civil Demands

Total Demands

July-Dec. 2020

(Federal, State and Local; Criminal and Civil)	121,115
Subpoenas	89,893
Criminal	79,928
Civil	9,965
Court Orders (General)	10,733
Historic	7,039
Real-Time (Pen registers)	3,694
Search Warrants/Probable Cause Court Orders	
Historic	12,879
Stored Content	5,341
Other	7,538
Real-Time	7,610
Wiretaps	932
Mobile Locate Demands	6,678

Demands Rejected/Partial or No Data Provided

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

July-Dec. 2020

Total

58,537

Rejected/Challenged

3,834

Partial or No Information

54,703

Location Demands

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

July-Dec. 2020

Total

51,137

Historic

39,877

Real-Time

9,771

Cell Tower

1,489

Emergency Requests

July-Dec. 2020

Total

68,112

911

50,875

Exigent

17,237

In-Depth Analysis

National Security Demands

National Security Letters (NSL) are administrative subpoenas issued by the U.S. Federal Bureau of Investigation to compel production of information regarding counterterrorism or counterintelligence investigations. NSLs are limited to non-content information, such as a list of phone numbers dialed or subscriber information. Legal demands issued pursuant to the Foreign Intelligence Surveillance Act (FISA) may direct us to provide content and non-content data related to national security investigations, such as international terrorism or espionage.

Our reporting on NSLs and FISA orders (collectively referred to as “National Security Demands”) is governed by U.S. law.¹ By statute, we are permitted to report data of demands served on us and the “customer selectors targeted” by those respective demands in specifically defined numeric ranges and for only certain time periods.

Total U.S. Criminal & Civil 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.

¹ See 50 U.S.C. § 1874, as added by the USA Freedom Act (Public Law 114-23 of June 2, 2015).

Criminal proceedings include actions by government entities — whether at the federal, state or local level — against an individual arising from an alleged violation of criminal law. Because federal, state and local investigating authorities in the U.S. may each initiate criminal proceedings, we receive demands from thousands of different law enforcement entities.

Civil actions include lawsuits involving private parties (e.g., a personal liability case, divorce proceeding or disputes 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.

Our Process

We receive multiple 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 law for the type of information 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 probable cause 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

The reporting category “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, e.g., an attorney. They are used in both criminal and civil cases, typically to demand (1) testimony or written business documents, such as calling records and client contracts, (2) basic subscriber information, such as the name and address listed on the billing account, and (3) data related to advertising transactions conducted using our advertising technology.

General Court Orders are signed by a judge. We consider “general” court orders to be 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 criminal cases, court orders are also used to demand 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. 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.

In both the criminal and civil context, general court orders have been used to demand historic information, like billing records or records relating to usage of a wireless device.

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 demanded is evidence of a crime. Probable cause is viewed as the highest standard to demand evidence. Except in emergency circumstances, a search warrant or probable cause court order is required for all real-time precise location information (like GPS) and real-time content (such as content obtained through wiretaps). Stored content (like stored text and voice messages) generally also requires a warrant.

Foreign-Originated Demands for Information about a U.S. Consumer or Business

If we receive an international demand for information about a U.S. customer, whether an individual or business, we refer the requester to that country's Mutual Legal Assistance Treaty (MLAT) process. We did not receive any international demands for information about a U.S. customer from a country that does not have an MLAT process. The FBI 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. All international originated demands that follow an MLAT procedure are reported in our Total Demands category.

Demand Rejected/Partial or No Data Provided

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 demanding 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 the elements necessary for a response.
- We had no information that matched the customer, equipment or other information provided in the demand.

Location Demands

Our "Location Demands" category breaks out the number of civil and criminal legal demands we received by the type of location information (historic or real-time) demanded. Demands for location information seek precise GPS coordinates of the device or call detail records that reflect the location of any cell site processing a call. We also get demands for cell tower searches, which ask us to provide all telephone numbers registered on a particular cell tower for a certain period of 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. We disclose both the total number of demands and the total number of cell tower searches. For instance, if we received one court order that included two cell towers, we count that as one demand for two searches. For the 1,489 cell tower demands during this reporting period, we performed 3,302 searches. The average time period that law enforcement demanded for a cell tower search was 2 hours and 12 minutes for this reporting period.

Like all companies, we are required by law to provide information to law enforcement and other government entities by complying with court orders, subpoenas and lawful discovery requests. In all cases, we review requests to determine whether they are valid. We require a search warrant based on the probable cause standard for all demands for real-time or historical location information, except in emergency situations.

Emergency Requests

The numbers provided in this category are the total of 911-originated inquiries and exigent requests that we processed during this reporting period. 911-originated inquiries are those that help locate or identify a person in need of emergency assistance. “Exigent requests” are emergency requests from law enforcement working on kidnappings, missing person cases, attempted suicides and other emergencies. In order to protect your privacy, we require a certification from a law enforcement agency confirming they are dealing with a case involving risk of death or serious injury before we will share information sought by an exigent request.

International Demands

The “International Demands” category represents the number of civil and criminal legal demands originating outside the U.S. and related to AT&T’s operations in foreign countries. These demands are for (i) historic subscriber information about consumers who reside in other countries and businesses that operate in other countries; and (ii) URL/IP (website/internet address) blocking demands from foreign governments. Legal demands related to our operations in Mexico are addressed in a separate section later in the Report.

The Diverse Services AT&T Provides Internationally Affect the Types and Volume of Demands We Receive

Business Services: AT&T provides telecommunications and IT services to the foreign offices of large multi-national business customers. In all foreign countries where AT&T supports these customers, AT&T primarily receives demands for historic subscriber information. In those countries where AT&T also provides internet access service, it may also have received demands for IP or URL blocking.

WarnerMedia: Outside of the United States, WarnerMedia (through its operating companies and subsidiaries) owns and operates entertainment services, including basic tier and premium television networks and direct-to-consumer streaming services, as well as news and information services, which are distributed through a variety of platforms. WarnerMedia companies also engage in the production, distribution and licensing of feature films, television programming, comic books, video games and other products in a variety of formats, including licensing to theaters, pay-television services, broadcast and cable networks, on-demand services and distribution by means of physical discs and electronic sell-through.

Xandr: Outside of the United States, Xandr (through its operating companies and subsidiaries) provides marketers and publishers with advanced advertising technology solutions and facilitates access to advertising inventory for marketers, including premium content from premium media brands.

Consumer Mobility Services: Mexico is the only country outside of the U.S. where AT&T provides consumer mobility service. Accordingly, AT&T received legal demands similar to those it receives in the U.S., including demands for subscriber information, location information, real-time content and wiretaps.

VRIO: In all Latin American countries where AT&T’s affiliate VRIO provides consumer satellite television service, we primarily receive demands for subscriber information regarding our DIRECTV and SKY Brasil branded services. In those Latin American countries where VRIO also provides broadband service, we also received demands for IP or URL blocking.

Governmental Access to Transferred Personal Information

One critical issue for companies is how they would respond if they were to receive a government demand for personal information that has been transferred from a foreign location.

We are required to comply with the laws that regulate and apply to our business. But AT&T must receive the correct type of demand before providing information. AT&T's publication of this Transparency Report is an indicator of our commitment to making individuals aware of how personal information is processed, in support of data protection. AT&T has posted a set of [frequently asked questions](#) on cross border data transfers as part of our global privacy program.

Beyond that, U.S. federal law limits the ability to discuss any such demands we may receive. Commentators have offered valuable insight as to the nature of demands, as well as the justifications for requiring this information. Additionally, the U.S. Department of Commerce issued a white paper on "[Information on U.S. Privacy Safeguards Relevant to SCCs and Other EU Legal Bases for EU-U.S. Data Transfers after Schrems II](#)" that is highly informative.

A Few Additional Points

- Historic Subscriber Information is information such as the name and address listed on the billing account or the types of services purchased from AT&T.
- The IP or URL blocking demands come from countries that require us to block access to websites that they deem offensive, illegal, unauthorized or otherwise inappropriate. These demands are listed separately from the demands for historic subscriber information.
- While AT&T may provide internet access in some foreign countries, we do not have the ability to control the content of any websites other than AT&T's own sites. Accordingly, while we did receive and comply with demands from foreign governments to block access to websites in their countries during this reporting period, we did not receive demands to remove content from websites (nor would we be able to do so). During this reporting period, we did not receive any demands from any foreign governments to produce any stored content.
- Finally, the laws governing the international demands that we receive differ by country. We respond to these demands based on each country's laws.²

²India, for example, does not permit publication of demands.

International Demands³

Total International Demands

July-Dec. 2020

Argentina

Historic: Subscriber Information 228

Brazil

Historic: Subscriber Information 149

IP/URL Blocking 6

Chile

Historic: Subscriber Information 14

Colombia

Historic: Subscriber Information 1,367

Ecuador

Historic: Subscriber Information 27

Finland

Historic: Subscriber Information 1

France

Historic: Subscriber Information 7

Germany

Historic: Subscriber Information 1

Italy

Historic: Subscriber Information 5

Peru

Historic: Subscriber Information 12

Russia

Historic: Subscriber Information 1

Slovakia

IP/URL Blocking 2

Turkey

IP/URL Blocking 8,155

United Kingdom

Historic: Subscriber Information 3

Uruguay

Historic: Subscriber Information 1

³Countries where "0" has been reported have been removed from this chart. We will add countries back in future reports should we receive new requests in any of those countries.

Mexico

The laws applicable to demands received in Mexico are listed below.

General Information Requirements

Legal framework

Federal Telecommunications and Broadcasting Law, articles 189 and 190

National Criminal Procedure Code, article 303

Wiretaps

Legal framework

Political Constitution of the United Mexican States, article 16, paragraph 13

National Criminal Procedure Code, articles 291 and 292

Federal Law against Organized Crime, article 16

Types of Legal Demands

In Mexico, there is no distinction between Subpoenas and General Court Orders, as in the U.S., because the law provides that all demands for customer data must be reviewed and authorized by a judge.

The legal demands are classified as follows:

Historic Information. In a criminal case, court orders are used to demand subscriber information, call detail records, cell site location information, and identification data of mobile devices. In a civil case, court orders may only be used to demand subscriber information.

Location Information in Real-Time. Legal demands for this information must be reviewed and authorized by a judge, whose ruling must be premised on certain criminal investigations defined by Mexican law and national security matters. Demands for location information seek precise GPS coordinates of the device or call detail records that reflect the location of any device processing communications. We also get demands for cell tower searches, which ask us to provide all telephone numbers registered on a particular cell tower for a certain period.

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

Court Order for Wiretaps.

In Mexico, there is a special procedure for these types of legal demands, and a judge may authorize the wiretap order, if certain legal standards are met and the matter is related to certain criminal investigations defined by Mexican law or national security matters.

Mexico		<i>July-Dec. 2020</i>
Historic: Subscriber Information/Call Detail Records		12,741
(Includes judicial authorities and national security)		
Location Information (Cell Site)		11,007
Real-Time		2,143
Wiretaps		875
Location Information (Precise)		1,268
Demands Rejected/Partial or No Data Provided		913
(Breakout detail of data included in Total Mexico Demands)		
Rejected/Challenged		256
Partial or No Information		657

Additional Resources

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

- Our issue brief on [Privacy](#).
- Our issue brief on [Freedom of Expression](#).
- Our policy on [Human Rights](#).