



*AT&T July 2016*

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# 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 applicable law.

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 first half of 2016, as well as Foreign Intelligence Surveillance Act (FISA) demands for the second half of 2015. For comparison purposes, we included data from our prior report.

## Privacy Advocacy

We remain committed to the privacy of AT&T's customers around the world. As such, we have been engaged in a number of initiatives

during this reporting period. AT&T continues to join with other technology companies and public interest groups to advocate 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. Our country's respect for international data protection standards will help ensure that the privacy interests of Americans are also respected by other countries. We support the simplification, clarification, and unification of the legal standards in the Electronic Communications Privacy Act, while preserving the tools necessary for government agencies to enforce the laws, respond to emergencies, and protect the public.



## National Security Demands

### **National Security Letters**

**July – Dec. 2015**

**Jan. – July 2016**

Total Received	500-999	500-999
Customer Selectors Targeted	2,000-2,499	2,000-2,499

### **Foreign Intelligence Surveillance Act<sup>1</sup>**

**Jan. – June 2015**

**July – Dec. 2015**

#### **Total Content**

**0-499**

**0-499**

Customer Selectors Targeted	14,000-14,499	7,000-7,499
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#### **Total Non-Content**

**0-499**

**0-499**

Customer Selectors Targeted	0-499	0-499
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## Total U.S. Criminal & Civil Demands

### **Total Demands**

**July – Dec. 2015**

**Jan. – June 2016**

**(Federal, State and Local; Criminal and Civil)**

**142,876**

**137,633**

Subpoenas	105,033	103,011
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Criminal	91,568	92,994
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Civil	13,465	10,017
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<b>Court Orders (General)</b>	<b>18,768</b>	<b>16,077</b>
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Historic	15,409	12,665
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Real-Time (Pen registers)	3,359	3,412
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#### **Search Warrants / Probable Cause Court Orders**

Historic	13,141	12,638
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Stored Content	3,656	3,795
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Other	9,485	8,843
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Real-Time	5,934	5,907
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Wiretaps	1,306	1,229
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Mobile Locate Demands	4,628	4,678
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<sup>1</sup> Section 603 of the U.S.A. Freedom Act 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)

	<b><i>July – Dec. 2015</i></b>	<b><i>Jan. – June 2016</i></b>
<b>Total</b>	<b>37,589</b>	<b>32,198</b>
Rejected / Challenged	2,467	3,012
Partial or No Information	35,122	29,186

## Location Demands

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

	<b><i>July – Dec. 2015</i></b>	<b><i>Jan. – June 2016</i></b>
<b>Total</b>	<b>38,367</b>	<b>36,935</b>
Historic	29,444	27,909
Real-Time	8,184	8,363
Cell Tower	739	663

## Emergency Requests

	<b><i>July – Dec. 2015</i></b>	<b><i>Jan. – June 2016</i></b>
<b>Total</b>	<b>62,829</b>	<b>60,935</b>
911	47,971	46,273
Exigent	14,858	14,662





# In-Depth Analysis

## National Security Demands

National Security Letters are required administrative 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.

Our reporting on National Security Letters and court orders issued pursuant to FISA (collectively “National Security Demands”) is governed by the USA Freedom Act. See Section 604 of the [USA Freedom Act](#). That statute only permits us to report data in defined numeric ranges and for certain time periods.

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.

Consistent with the above guidance, our report includes the range of National Security Letters and FISA demands served on us and the “customer selectors targeted” by those respective demands.<sup>2</sup>

## 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.

Criminal proceedings include actions by the government – federal, state, and local – against an individual arising from an alleged violation of criminal law. The existence of federal, state and local investigating authorities in the U.S. means that we can receive demands from thousands of different law enforcement entities.

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.

## Our Process

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 law 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 probable cause court order or search warrant. If the requesting agency has failed to send the correct type of demand, we reject the demand.

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<sup>2</sup> The term “customer selectors targeted” is statutory. See 18 U.S.C. § 1874.



## 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, 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 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, 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. 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 were used to obtain 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 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 is required for all real-time precise location information (like GPS), real-time content (such as content obtained through wiretaps), and stored content (like stored text and voice messages).



## 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 it 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 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.

## Demand 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 civil and criminal legal demands we received by the type of location information (historic and real-time) requested. 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 663 cell tower demands during this period, we performed 1,739 searches. The average time period that law enforcement requested for a cell tower search, was 2 hours and 31 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 real time precise location information. The standards vary for all other types of location demands including those for non-precise location information and historic location information. In those cases, we require a General Court Order, search warrant, or probable cause court order, depending on the applicable state and federal laws.



## 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 information about consumers who reside in other countries, businesses that operate in other countries, and URL/IP (website/internet address) blocking requests from foreign governments.

## A Few Additional Points

- The IP or URL blocking requests come from countries that require us to block access to websites that they deem offensive, illegal, unauthorized or otherwise inappropriate.
- 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 requests 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.

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## 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 subscriber information and IP or URL blocking.

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

**DIRECTV:** In all Latin American countries where AT&T provides DIRECTV consumer satellite television service we primarily receive requests for subscriber information. In those Latin American countries where DIRECTV also provides broadband service, we also receive demands for IP or URL blocking.





## International Demands

### **Total International Demands**

### **July – Dec. 2015**

### **Jan. – June 2016**

#### **Argentina**

Historic	354	369
IP/URL Blocking	2	2

#### **Australia**

Historic	1	0
IP/URL Blocking	0	0

#### **Belgium**

Historic	0	1
IP/URL Blocking	5	5

#### **Brazil**

Historic	44	88
IP/URL Blocking	1	0

#### **Canada**

Historic	2	0
IP/URL Blocking	0	0

#### **Chile**

Historic	5	18
IP/URL Blocking	1	0

#### **Colombia**

Historic	528	622
IP/URL Blocking	12	2

#### **Ecuador**

Historic	28	12
IP/URL Blocking	0	0

#### **France**

Historic	2	0
IP/URL Blocking	0	0

#### **Hungary**

Historic	0	0
IP/URL Blocking	0	0

#### **Italy**

Historic	0	0
IP/URL Blocking	0	0

**Peru**

Historic	6	11
IP/URL Blocking	0	0

**Portugal**

Historic	0	0
IP/URL Blocking	2	0

**Romania**

Historic	0	0
IP/URL Blocking	4	6

**Russia**

Historic	0	0
IP/URL Blocking	180	180

**Spain**

Historic	1	0
IP/URL Blocking	0	0

**Turkey<sup>3</sup>**

Historic	0	0
IP/URL Blocking	0	1,090

**Uruguay**

Historic	3	0
IP/URL Blocking	0	0

**Venezuela**

Historic	702	1,098
IP/URL Blocking	0	0

**Mexico**

Historic: Subscriber Information / Call Detail Records	4,962	5,413
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Location Information (Cell Site)	3,357	5,044
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Real-Time	397	310
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Pen Registers / Wiretaps / Cell Site	139	131
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Location Information (Precise)	258	179
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Demands Rejected / Partial or No Data Provided		2,358
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(Breakout detail of data included in Total Mexico Demands)

Rejected / Challenged		457
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Partial or No Information		1,901
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<sup>3</sup> AT&T only began receiving blocking requests in Turkey in May 2016.

# 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](#)

