



*AT&T February 2017*

# Transparency Report

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# Introduction

At AT&T, 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 entities, 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.

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## This Report

This AT&T Transparency Report provides specific data regarding the number and types of demands to which we responded for the second half of 2016, as well as national security demands for the first half of 2016. For comparison purposes, we have included data from our prior report.



## National Security Demands

### National Security Letters

	July – Dec. 2015	Jan. – June 2016
Total Received	500-999	500-999
Customer Selectors Targeted	2,000-2,499	2,000-2,499

### Foreign Intelligence Surveillance Act

	July – Dec 2015	Jan. – June 2016
<b>Total Content</b>	<b>0-499</b>	<b>0-499</b>
Customer Selectors Targeted	7,000-7,499	12,000-12,499
<b>Total Non-Content</b>	<b>0-499</b>	<b>0-499</b>
Customer Selectors Targeted	0-499	0-499

## Total U.S. Criminal & Civil Demands

### Total Demands

	Jan. – July 2016	July – Dec. 2016
<b>(Federal, State and Local; Criminal and Civil)</b>	<b>137,633</b>	<b>120,674</b>

### Subpoenas

	103,011	91,814
Criminal	92,994	81,391
Civil	10,017	10,423

### Court Orders (General)

	16,077	11,177
Historic	12,665	8,172
Real-Time (Pen registers)	3,412	3,005

### Search Warrants / Probable Cause Court Orders

Historic	12,638	12,073
Stored Content	3,795	3,816
Other	8,843	8,257
Real-Time	5,907	5,610
Wiretaps	1,229	1,135
Mobile Locate Demands	4,678	4,475



## Demands Rejected / Partial or No Data Provided

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

	<i>Jan. – June 2016</i>	<i>July – Dec. 2016</i>
<b>Total</b>	<b>32,198</b>	<b>31,638</b>
Rejected / Challenged	3,012	3,564
Partial or No Information	29,186	28,074

## Location Demands

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

	<i>Jan. – June 2016</i>	<i>July – Dec. 2016</i>
<b>Total</b>	<b>36,935</b>	<b>33,593</b>
Historic	27,909	25,198
Real-Time	8,363	7,608
Cell Tower	663	787

## Emergency Requests

	<i>Jan. – June 2016</i>	<i>July – Dec. 2016</i>
<b>Total</b>	<b>60,935</b>	<b>57,524</b>
911	46,273	45,024
Exigent	14,662	12,500





# 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 in regard to 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.<sup>1</sup> 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.

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 (i.e., 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 and 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.

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



## 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 demand 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, 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. 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 FBI demand we may receive.

## Demand Rejected / Partial Or No Data Provided

We ensure that we receive the appropriate type of demand for the information demanded. 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 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 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 787 cell tower demands during this reporting period, we performed 1,995 searches. The average time period that law enforcement demanded for a cell tower search was 2 hours and 40 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 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 demands from foreign governments.

## A Few Additional Points

- 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.
- 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.<sup>2</sup>

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<sup>2</sup> India, for example, does not permit publication of demands.

## 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 received 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 demands for subscriber information. In those Latin American countries where DIRECTV also provides broadband service, we also received demands for IP or URL blocking.





## International Demands

### Total International Demands

Jan. – June 2016

July – Dec. 2016

#### Argentina

Historic	369	504
IP/URL Blocking	2	1

#### Australia

Historic	0	0
IP/URL Blocking	0	0

#### Belgium

Historic	1	0
IP/URL Blocking	5	2

#### Brazil

Historic	88	235
IP/URL Blocking	0	2

#### Canada

Historic	0	0
IP/URL Blocking	0	0

#### Chile

Historic	18	5
IP/URL Blocking	0	0

#### Colombia

Historic	622	319
IP/URL Blocking	2	3

#### Ecuador

Historic	12	47
IP/URL Blocking	0	0

#### France

Historic	0	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	11	135
IP/URL Blocking	0	0

**Portugal**

Historic	0	0
IP/URL Blocking	0	0

**Romania**

Historic	0	0
IP/URL Blocking	6	2

**Russia**

Historic	0	0
IP/URL Blocking	180	180

**Spain**

Historic	0	0
IP/URL Blocking	0	0

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

Historic	0	0
IP/URL Blocking	1,090	7,240

**Uruguay**

Historic	0	1
IP/URL Blocking	0	0

**Venezuela**

Historic	1,098	1,737
IP/URL Blocking	0	0

**Mexico****Historic: Subscriber Information / Call Detail Records**

Location Information (Cell Site)	5,413	4,985
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**Real-Time**

Pen Registers / Wiretaps / Cell Site	310	360
Location Information (Precise)	131	211
	179	149

**Demands Rejected / Partial or No Data Provided**

(Breakout detail of data included in Total Mexico Demands)	2,358	2,427
Rejected / Challenged	457	604
Partial or No Information	1,901	1,823

<sup>3</sup> AT&T 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](#)

