

## For Law Enforcement Use Only

### Checklist for Cyber Mutual Legal Assistance (MLA) Requests to the United States

#### 1. Preservation:

- a. Preserving early increases the likelihood we can get results
  - i. Contact provider directly or use 24/7 Network
- b. When preserving, please include in your MLA request the date of preservation and provider reference number
- c. Maintain preservation by continuing to file extensions

#### 2. Request Details (this list is not exhaustive, but please address these points):

- a. Offenses –
  - i. What is the specific conduct that constitutes the crime(s)?
  - ii. Is the text of the relevant criminal statutes included?
- b. Assistance requested – does the request clearly identify:
  - i. A U.S. provider who possessed the records sought at the time of the use of the account (e.g., providers of phone numbers and IP addresses change over time);
  - ii. The type of records that are being requested for each account (*i.e.*, subscriber and transactional information for the account or subscriber and transactional information plus the content records for the account) and the time periods for which those records are sought; and
  - iii. The relationship between your investigation and the assistance sought (in other words, why investigators want the records being sought)?
- c. Account identifiers – Is there a unique identifier for each account requested?
  - i. Check for spelling discrepancies in the request and across translations
    1. Please clarify if a number or letter is used if it may be hard to tell
      - a. O (letter) vs. 0 (zero)
      - b. 1 (L) vs. 1 (one)
  - ii. If there is a cooperating witness or victim, consider using self-help tools offered by the provider to obtain data about the account (such as the “Download My Facebook” tool or the “Download Your Data” feature on Google’s Dashboard).
- d. Dates and usage information –
  - i. Is there a defined date range for account use associated with the criminal activity? Ideally please provide the first and last known dates on which an account was used.
  - ii. Does the request identify other key dates in the investigation?
    1. Date the crime was reported to police
    2. Date the suspect was arrested
  - iii. Does the request explain how the account is connected to the criminal activity?
  - iv. Does the request explain how authorities learned about the use of the account in the criminal activity?
- e. Confidentiality – Does the request address the following confidentiality issues:
  - i. Non-disclosure – would it harm the investigation if the accountholder were notified that records had been requested? If yes, please explain.

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- ii. Sealing – would it harm the investigation or are there other interests to consider that justify preventing the court records from being published and/or available to the public?
- f. Procedures requested – Does the request identify any particular certifications that need to be provided with the evidence to ensure admissibility in your proceedings?
- g. Urgency – Are there any time constraints or is there any urgency involved? If yes, does the request clearly identify the same and indicate any deadlines (such as trial dates)?

### **3. Probable Cause (for content):**

- a. Is there reliable evidence indicating that a crime has been committed?
  - i. On what sources are authorities relying?
  - ii. When did the crime take place?
- b. Is there reliable evidence indicating that the account in question will likely contain evidence related to the crime?
  - i. How was the account identified?
  - ii. How was the account connected to the suspect?
  - iii. Was the account used to further the crime? If so, how and when?
  - iv. Was the account used to discuss the crime? If so, what is known about the discussions and when was the account so used?