



Snapchat

Law Enforcement Guide

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I. Snapchat and Law Enforcement

Snapchat is a smart phone application accessed through the iPhone AppStore or Google Play. The application provides a new way to share moments with photos and videos. The purpose of this guide is to familiarize law enforcement agencies with the categories of information available from Snapchat and the specific legal process necessary to obtain that information.

Snapchat is committed to assisting law enforcement investigations to the fullest extent allowed by applicable law. In addition to this guide, Snapchat also provides phone and email support to law enforcement agencies for both emergency and non-emergency inquiries. Contact information for law enforcement support is listed on the cover of this guide.

The primary set of laws governing Snapchat's ability to disclose user information is found in the Electronic Communications Privacy Act, 18 U.S.C. § 2701, et seq. ("ECPA"). ECPA mandates that Snapchat may disclose certain user information to law enforcement only in response to specific types of legal process, including subpoenas, court orders, and search warrants. Generally speaking, ECPA permits the disclosure of basic user identity information, login information, and account content (*definitions provided in Section IV of this guide*) in response to legal process.

Snapchat cannot provide legal advice to law enforcement officials. As such, should you seek further clarification about ECPA's requirements and restrictions on providers like Snapchat, we suggest you contact the Department of Justice's Computer Crime and Intellectual Property Section (CCIPS) at 202-514-1026 and ask to speak to the Duty Attorney.

II. How Snapchat Works

User takes a photo or video using their camera phone in real-time. The user then selects a preview time of 1-10 seconds for the receiver to view the photo or video. A user can elect to have the photo/video saved in their phone's photo gallery or just sent via Snapchat, without being saved. The photo/video can be sent to a friend in Snapchat or a contact in the user's phone. If the contact in the user's phone does not have Snapchat, the contact must download the application before viewing the photo or video.

III. Locating a Snapchat account

Identifying the “Username”

Before sending a legal request to Snapchat you must first identify the username of the account. If you are unable to locate a username, Snapchat can try to locate the account with a phone number or email address.

IV. User Records Maintained by Snapchat and the Process Required to Obtain These Records

Snapchat stores the following information for each user:

- Email
- Phone number
- Username
- A log of the last 200 snaps that have been sent and received (similar to a phone record)
- Date Account was Created

Snapchat does not store any image or video data as it is deleted immediately after the recipient views the image or video. If an image or video has not been viewed, it remains on the Snapchat server for 30 days, and then it is removed.

Please note: Snapchat is consistently updating with new features to improve the user’s experience and functionality of the site.

In order to release account records on a non-emergency basis, Snapchat requires proper legal process in order to provide records. The required legal process for this information is described below in detail.

In addition to including a Snapchat username, please also indicate if results must be returned before a specific date and where results should be returned. Snapchat accepts service via mail, email and fax and will produce documents in response to out-of-state domestic legal process such as subpoenas, court orders, emergency requests, consent letters, and search warrants.

Process will be accepted by fax (310-943-1793), by email to lawenforcement@snapchat.com, or by mail (at the address on the cover of this Guide).

a. Subscriber information

Subscriber information is collected when a user creates a new Snapchat account, or alters information at a later date. Please note that not all listed information is required, and that user provided subscriber information is not always independently verified by Snapchat. Subscriber information includes:

- Snapchat Username (user determines)
- Email address
- Phone Number
- Facebook account synced
- Log of the last 200 snaps sent and received (similar to phone record)
- Snapchat account creation date

Process required for subscriber information: subpoena (including grand jury subpoenas), administrative subpoena or civil investigative demand pursuant to 18 U.S.C. § 2703(c)(2); or court order; or search warrant; or user consent.

V. Preservation Requests

Snapchat honors requests from law enforcement to preserve information in accordance with 18 U.S.C. § 2703(f). Upon receiving a preservation request, Snapchat will preserve all available account information associated with the username listed in the request in an offline file for up to 180 days and will extend the preservation as necessary at your request.

Snapchat will only preserve information for active accounts. If a request to preserve information is received after an account has been deleted, Snapchat is not able to honor the request. If the account is deleted by the user after the receipt of the preservation request, however, all account information present on the date your preservation letter was received will be available upon receipt of proper legal process.

a. Note regarding all legal requests following preservations

When serving follow-up legal process for information that was previously the subject of a preservation request, please specify that the request is seeking both the information preserved and any updated user account information. Please also reference any prior preservation requests by date so that Snapchat may respond to your legal process more efficiently.

VI. Emergency Requests

Under 18 U.S.C. §§ 2702(b)(8) and 2702(c)(4), Snapchat is permitted to disclose information, including email address, phone number, and a log of the last 200 snaps voluntarily when Snapchat believes in good faith that an emergency involving danger of death or serious physical injury to any person requires the immediate disclosure of this information.

You may provide a written request for the release of user records on an emergency basis and email (lawenforcement@snapchat.com) or fax the request to **310-943-1793**. All emergency requests must be on agency letterhead and/or come from a valid law enforcement email address. A sample Emergency Disclosure form is provided in Part B of this guide. When drafting your emergency disclosure request, please describe the nature of the emergency as specifically as possible and request all information that you require to resolve the emergency situation.

VII. User Consent

Snapchat will disclose information based on user consent obtained by law enforcement where sufficient information is provided to verify that the person providing the consent is the actual creator of the account, and where law enforcement endorses the authenticity of the consent.

A sample consent form is located in Section VIII (d) of this guide. Each consent letter must contain the following information:

- Snapchat Username
- Email address

- Phone Number

Snapchat will not release information if the user is unable or unwilling to provide registration information that correlates to the information on record with Snapchat. In the event that the information provided by the user does not match the information retained by Snapchat, proper legal process will be required before any information is released.

VIII. Snapchat Retention Periods

The retention periods identified below reflect Snapchat's retention of user data in the ordinary course of business. Snapchat honors all law enforcement preservation requests made during the period the data is available.

a. Active Accounts

Subscriber information and account content: The basic identity information entered by a user in creating a account, and all content displayed on the account are maintained as long as the user has not edited the data or removed the content from the account. Once the user makes a change, the previously existing information is overwritten. Upon receipt of a preservation request, however, Snapchat will capture all user data available at that time, and future actions by the user will not affect the preserved data.

IX. Sample Language and Forms

This section provides sample language that law enforcement may use to complete the section of their legal process identifying the information they seek from Snapchat. These are examples of the most commonly requested information from Snapchat. It is important to be as specific as possible when identifying the information you are requesting from Snapchat.

A. Sample Subpoena Language for Basic Subscriber Information and Snap logs:

"Records concerning the identity of the user with the Username xxxxxx consisting of email address, account creation date, and a log of the last 200 snaps sent by account for account accesses."

B. Sample Preservation Request Letter

(Must be on the investigative agency or department letterhead)

Dear Custodian of Records:

The below listed account is the subject of an ongoing criminal investigation at this agency, and it is requested pursuant to 18 U.S.C. § 2703(f) that the following information associated with said account be preserved pending the issuance of a search warrant or other legal process seeking disclosure of such information:

[Specify Username to be preserved].

I understand that Snapchat reserves the right to delete any account that violates its Terms of Service.

If you have any questions concerning this request please contact me at *[insert e-mail address and phone contact]*

Thank you for your assistance in this matter.

Sincerely,

(Your Signature)

(Your Name Typed)

(Your Title Typed)

C. Sample Emergency Disclosure Form

(Must be on the investigating agency or department letterhead)

Dear Custodian of Records:

I request release of records for Username XXXXXX on an emergency basis pursuant to 18 U.S.C. § 2702(b)(7) and § 2702(c).

I have provided below answers to the following questions in enough detail as I am able to in order to provide a good faith basis for release of records on an emergency basis:

- What is the nature of the emergency involving death or serious physical injury?
- Whose death or serious physical injury is threatened?
- What specific information in Snapchat's possession related to the emergency do you need?

Signature of Officer

Printed Name of Law Enforcement Officer

Date

D. Sample Consent Form

(Must be on the investigating agency or department letterhead)

I, "XYZ", being duly sworn, on this [insert date] do hereby state the following:
I have one or more accounts on Snapchat.com.

- The Usernames are:

I understand that the "XXXX" agency is conducting an official criminal investigation and has requested that I grant my consent to authorize the "XXXX" agency to access, request, receive, review, copy and otherwise utilize, as they deem appropriate, the following information from the above accounts: [specify information sought]

I hereby authorize Snapchat.com to provide to any agent of the above referenced agency, the above specified information associated with my identified Snapchat.com accounts/accounts.

The following information should be used to verify my identity:

- Email address for account _____
- Phone Number for account _____

Pursuant to this Consent, I waive any claims against, indemnify and hold harmless Snapchat.com, its affiliates, and their respective directors, officers, agents, and employees from and against any claims, damages or expenses relating to or arising from, in whole or in part, the disclosure of such information, records and data.

I have not been promised anything in exchange for providing this consent and authorization.

In witness whereof, the undersigned makes the above statements under penalty of perjury.

Snapchat User Signature

Date

Printed Name

Law Enforcement Witness Signature

Date

Printed name and title

<end>