

tumblr.

Transparency Report

2013

Introducing Tumblr's Calendar Year 2013 Law Enforcement Transparency Report

At Tumblr, we believe it's important to provide everyone – from occasional visitors to our most active community members – with an open, safe, and transparent platform for self-expression.

Consistent with our core principles, we'd like to shine some light on an issue that is deeply important to both our community and the greater public: government requests for user information.

Like many Internet platforms, Tumblr received requests for user information in 2013 from U.S. and non-U.S. government agencies. To help make sure that such requests are precise and lawful, last year we published Law Enforcement Guidelines, which provide government agencies with strict guidance on how to submit requests. Even so, sometimes we receive government requests that are unclear, over-broad, or defective. In those cases, and in accordance with recognized laws and our policies, we push back on behalf of our users.

For the sake of transparency, and to ensure that our users are well informed, we're publishing this report explaining how, when, and why governments requested information about Tumblr users in 2013, and how we responded to those requests. Our 2013 Law Enforcement Transparency Report covers the following topics:

- **Tumblr's Process and Policies**
- **Transparency Report Data**
- **Providing User Notice**
- **National Security Issues**

Going forward, we plan to publish a transparency report here every six months.

As always, we welcome your feedback: send us your questions or comments at [**policy@tumblr.com**](mailto:policy@tumblr.com)

Examples of Government Requests

When we say that Tumblr receives requests for user information from U.S. and non-U.S. government agencies, what do we mean? Here are a few examples of what governments may ask us to provide, along with relevant context:

- A local sheriff's office may request copies of messages posted by a cyber-harasser, as evidence in a criminal prosecution.
- The FBI may request the IP address of a user suspected of computer hacking, in order to locate the user's server.
- A foreign government official may request the IP address of a user involved in a medical emergency, in order to get that user appropriate help.

How Does Tumblr Evaluate Government Requests for User Information

So, how do we evaluate these government requests? As explained in our [Law Enforcement Guidelines](#), our legal department makes sure that all government requests for user information are issued for lawful purposes, through lawful means, and respect basic principles of free expression. In light of our standards, here are a few examples of requests with which we do not comply:

- Requests that are unlawful, like requests for user content that are sent as simple emails or faxes, without supporting legal paperwork such as a search warrant.
- Requests that are vague or inaccurate, like requests for user information that include only a user's real name (which we don't know anyway) rather than referring to a specific Tumblr URL.
- Requests that we believe are too broad or do not respect our users' Fourth Amendment rights, like requests for user content via a subpoena, rather than a search warrant based on probable cause.

We also strongly believe in providing our users with (1) notice that we've received requests for their information, and (2) an opportunity to challenge those requests. Our notice policy is discussed in greater detail in our section below on providing user notice.

What is the Legal Process for Submitting Government Requests for User Information?

Because Tumblr's headquarters is located in the United States, in New York City, New York, and we have no foreign offices, the vast majority of requests we receive originate in the U.S. Law enforcement officials in the U.S. may be authorized by law to obtain user information (e.g., a private message or IP address) from service providers like Tumblr after sending us lawful subpoenas, court orders, and search warrants. As described on the next page, each request is subject to different legal requirements.

We require non-U.S. governments to issue their requests to us through something called a "Mutual Legal Assistance Treaty" (MLAT) or a "letter rogatory." A U.S. court must review foreign requests submitted through these channels, to ensure that they are consistent with U.S. laws and standards.

Finally, in the interest of public safety and, in particular, the safety of our users, we may voluntarily disclose user information to appropriate government officials if we believe it's necessary to prevent an emergency involving death or serious physical injury. In 2013, the vast majority of these voluntary emergency disclosures originated from members of the Tumblr community who notified government officials that another user might be attempting to commit suicide. In such cases, we may disclose limited information, such as an IP address, so that officials can locate the user and provide him or her with immediate assistance.

Types of U.S. Legal Process (Subpoenas, Court Orders, and Search Warrants)

Subpoenas. Subpoenas are the most common requests we receive. They generally don't require a judge's review. Under U.S. law, we may disclose limited account data in response to a lawful subpoena. Account data includes registration email address, how long a Tumblr account has been registered, and login IP addresses. Account data does not include the posts made to a blog, whether public or private. Because Tumblr doesn't collect real names or addresses, we don't (and can't) provide this information in response to a subpoena.

Court orders. Court orders for user data may be issued under various U.S. federal and state laws, such as section 2703(d) of the Electronic Communications Privacy Act, a federal privacy law. Court orders are issued by judges and are generally harder to obtain than subpoenas. If we receive a lawful 2703(d) order, we may disclose the same account data described above with respect to subpoenas, plus an additional category of account data: the IP address used to post a particular piece of content.

Search warrants. Search warrants may be issued if a reviewing judge or magistrate concludes that there is "probable cause" to believe that a particular account may contain information related to a crime. Search warrants are generally harder to obtain than 2703(d) orders or subpoenas. Under U.S. law, we may disclose the same account data described above, as well as blog content, in response to a lawful search warrant. Blog content includes the posts made to a blog, both public or private. Posts can be one of Tumblr's seven post types, including text, audio, images, or videos.

Summary of All Requests for User Information in 2013

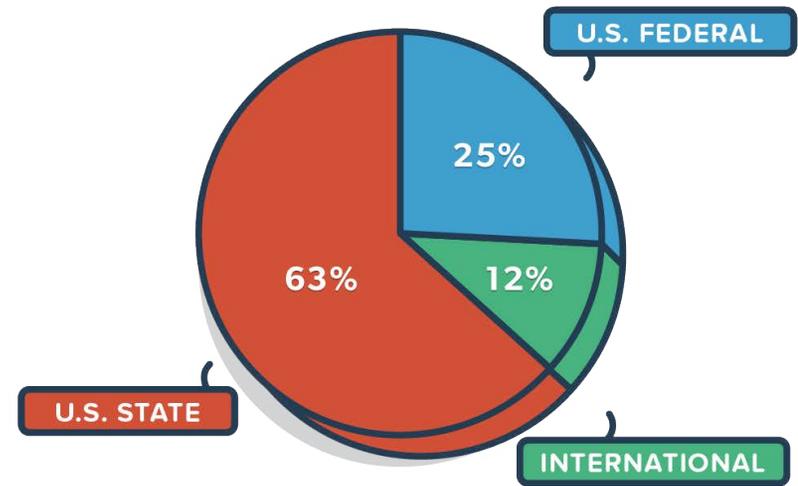
In 2013, we received 462 requests from government agencies for information corresponding to 529 Tumblr URLs. In the next few pages, we will explain how we evaluated and responded to these requests.[1]

When reviewing this information, please keep in mind a few important points:

- Account data includes registration email address, how long a Tumblr account has been registered, login IP address, and IP address used to make a post.
- Blog content includes the posts made to a blog, both public or private. Posts can be one of Tumblr's seven post types, including text, audio, images, or videos.
- In cases in which we produced blog content, we also produced account data. So the "Blog Content Produced" category is a small subset of the "Account Data Produced" category.

All Government Requests Received in 2013

Below is a summary of all of the government requests we received in 2013, along with our responses. If these numbers seem U.S.-centric for a service that receives roughly half of its traffic from outside the U.S., remember that Tumblr is based in New York City and has no offices abroad, so most of the requests we receive are from U.S.-based law enforcement officials.



In 2013, Tumblr provided information, whether data or content, in response to 76% of all requests made, covering 428 blog URLs. This represents approximately 0.00026% of all blogs on Tumblr. Tumblr refused to produce anything at all in response to 24% of the government requests for user information that it received in 2013.

	# of Requests	# of URLs Affected	% of Total Requests	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
Federal	115	132	25%	15%	90%	YES 90% NO
State	292	344	63%	38%	81%	YES 81% NO
International	55	53	12%	0%	20%	YES 80% NO
Total	462	529	100%	28%	76%	YES 76% NO

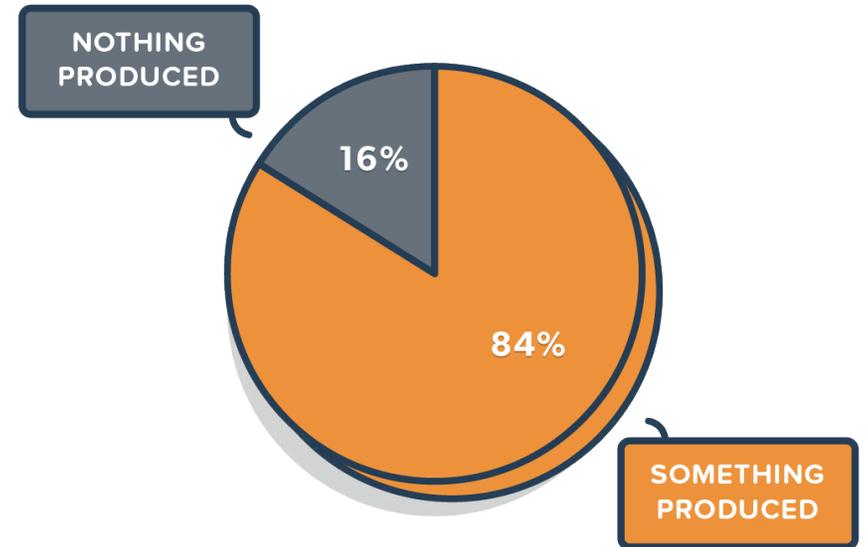
International Requests for User Information in 2013

In 2013, Tumblr received requests for user information from 11 foreign countries. As illustrated below, we produced account data in response to a small percentage of these requests. We never produced blog content in response to any of these requests.

	# of Requests	# of URLs Affected	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
United Kingdom	16	14	0%	44%	YES 44% NO 56%
Australia	11	10	0%	0%	NOPE
Canada	11	10	0%	18%	YES NO 82%
Germany	5	4	0%	0%	NOPE
New Zealand	4	3	0%	50%	YES 50% NO 50%
Brazil	2	3	0%	0%	NOPE
Chile	2	5	0%	0%	NOPE
France	1	1	0%	0%	NOPE
Greece	1	1	0%	0%	NOPE
Slovenia	1	1	0%	0%	NOPE
Turkey	1	1	0%	0%	NOPE

Domestic (U.S) Requests for Users Information in 2013

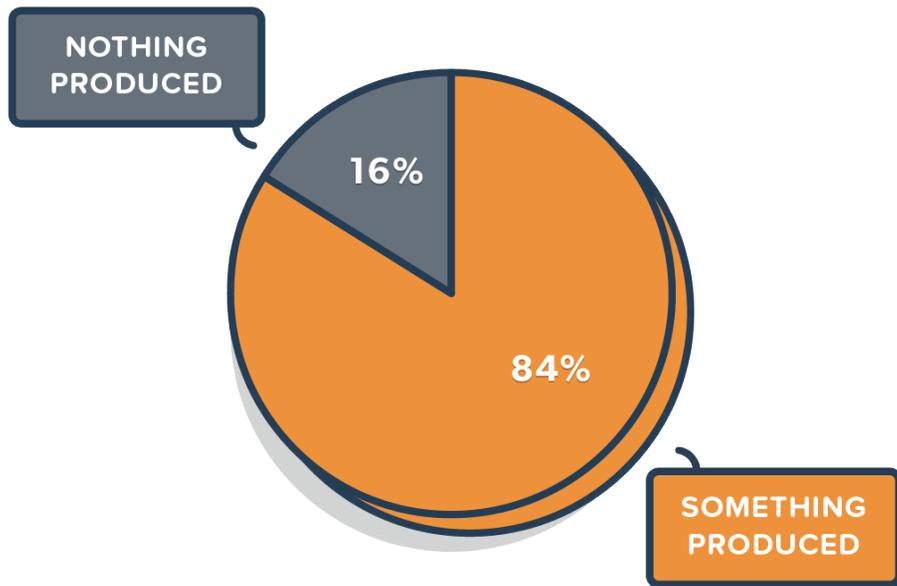
The majority of our domestic requests consisted of subpoenas, followed by search warrants. As shown below, Tumblr produced blog content in response to 31% of domestic requests, account data in response to 84% of domestic requests, and nothing at all in response to 16% of domestic requests. In cases where no content or data was produced, the requests may have been withdrawn, or were defective, or we may have objected to the requests on legal grounds.



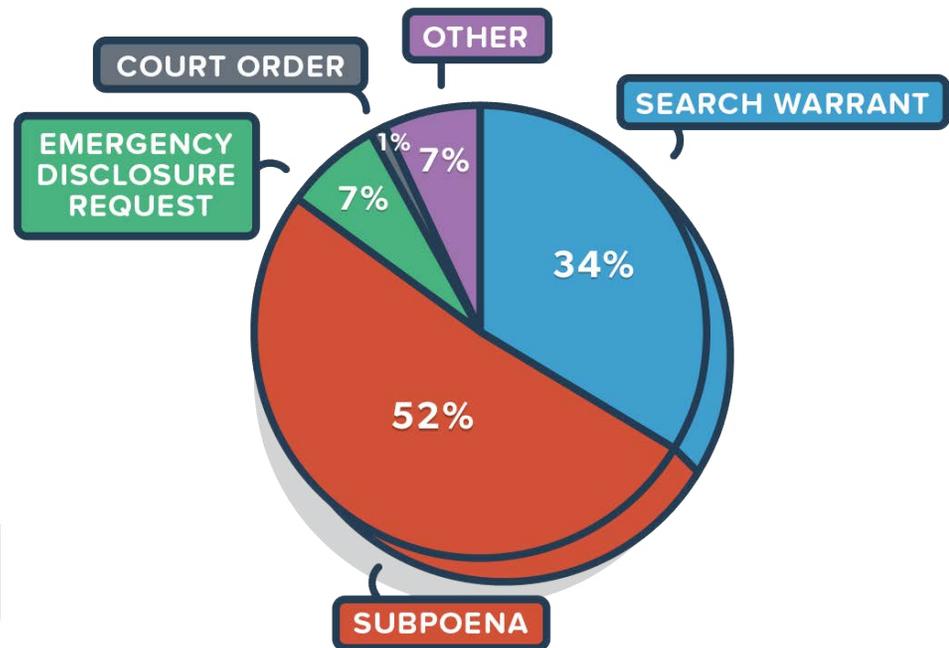
407	Requests Received
476	URLs Affected
137	Search Warrants
211	Subpoenas
3	Court Orders

28	Emergency Requests
28	Other Requests (e.g. email or fax requests)
31%	Blog Content Produced
84%	Account Data Produced
Was Something Produced?	
YES	84%
NO	

Response to U.S. Origin Legal Process



Type of U.S. Origin Legal Process



Tumblr's General Policy on User Notice

Consistent with our commitment to transparency with our users, we believe it's important for them to know when their accounts have been targeted by a law enforcement request. As explained in our Law Enforcement Guidelines, our policy is to notify users of any request for their account information by providing them with a notice letter and a copy of the legal process we received, as well as a reasonable period of time to challenge the request in court.

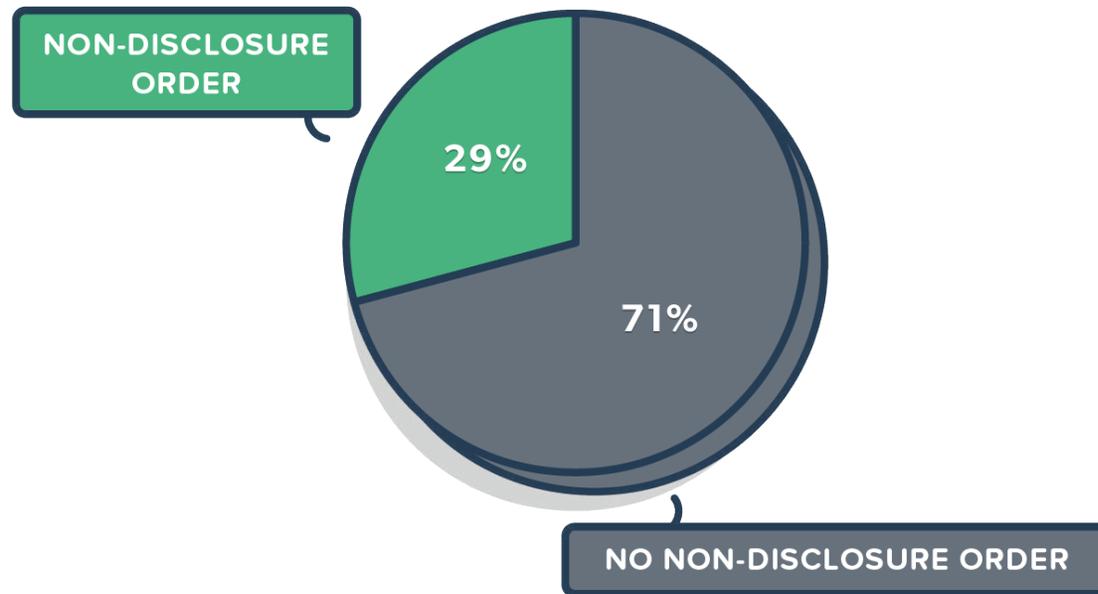
Note, though, that if a request is coupled with a non-disclosure order, we are legally prohibited from notifying the targeted user. A judge may issue a non-disclosure order if the judge concludes that providing the user with notice could lead to the destruction of evidence, an attempt by the user to escape law enforcement, or could cause some other major impediment to the investigation.

Additionally, under our policies, we may not provide notice in emergency situations where we, in conjunction with government officials, conclude that the additional time required to provide notice prior to the production of information might lead to imminent death or serious bodily injury. This has been primarily in cases when a user posted a credible suicide note, and we were asked to disclose limited account data to help officials locate the user and provide him or her with immediate medical help.

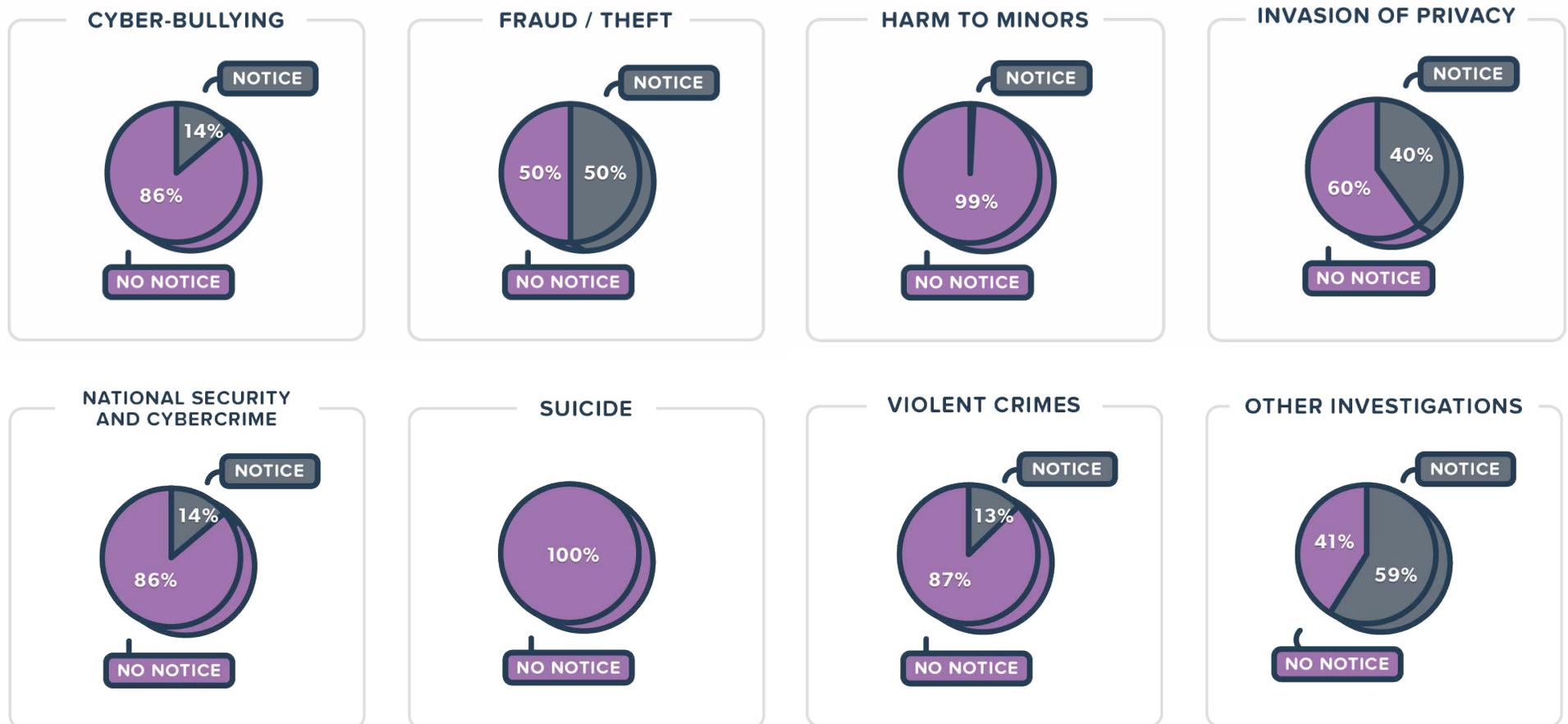
Finally, exceptional cases arise that present a serious threat to public safety, such as cases involving impending violent crimes or harm to minors. In such cases, we generally do not provide notice to users, because we believe the interest in protecting the public outweighs the interest in providing notice.

Non-Disclosure Orders

This graph shows the number of valid law enforcement requests that were also issued with a non-disclosure order, meaning that a court legally prohibited Tumblr from notifying our users about the request.



User Notice by Category of Investigation



Above is our track record on providing user notice in cases in which we complied, at least in part, with requests for user information, organized by category of investigation.[2] If users were not notified, it was for at least one of the following reasons:

- The request was combined with a binding non-disclosure order;
- Notice was not practicable due to the threat of imminent death or serious bodily injury; or
- The case presented a serious threat to public safety.

National Security Issues

Starting in May 2013, an unprecedented series of disclosures revealed that the NSA and other intelligence agencies have been conducting vast and clandestine electronic surveillance programs in the U.S. and abroad. These disclosures have generated tremendous public interest in, and vigorous debate about, how societies should strike the proper balance between protecting national security and respecting civil liberties.

Amid this controversy, many of you have asked whether Tumblr has received national security requests targeting our users, such as [National Security Letters](#) (FBI-issued requests for subscriber information), or [Foreign Intelligence Surveillance Act](#) (“FISA”) orders (orders issued in classified court proceedings, requiring companies to provide user information in national security investigations).

As of the date of publication of this report, we have never received a National Security Letter, FISA order, or any other classified request for user information.

Nonetheless, we remain fierce advocates for greater transparency in the national security sphere. We’re co-signatories to a [joint letter](#) sent to the White House and ranking members of Congress, asking our government to allow technology

companies to be more transparent about national security-related requests they receive. We also strongly support the transparency efforts of companies that have fielded such classified requests for user information, including Yahoo, Google, Facebook, and Microsoft. They have recently reached an [agreement with the United States Department of Justice](#) which allows online service providers to publish more detailed statistics about requests they receive from the FISA Court (check out [CNET](#), [Wired](#), and [Politico](#) for more on this story). These companies have also issued an [open letter to Washington](#) urging reforms to ensure that government surveillance efforts are clearly restricted by law, proportionate to the risks, transparent, and subject to independent oversight.

We will continue to aggressively pursue and support all efforts toward improving our ability to be more transparent for the sake of our users. Moreover, we encourage all governments to be more forthcoming about the activities they are conducting in the interests of national security. We believe that, while governments have a responsibility to keep us safe, it is possible for them to fulfill that responsibility while also being transparent.

Footnotes

[1] To avoid jeopardizing ongoing investigations or public safety, we've grouped our numbers as follows:

- "Federal" includes requests from the U.S. Department of Homeland Security, Department of Justice, Federal Bureau of Investigation, National Center for Missing and Exploited Children, and Secret Service.
- "State" includes requests from U.S.-based state and local law enforcement authorities (e.g. New York City Police Department).
- "International" includes requests from any foreign law enforcement authorities (e.g. investigators or prosecutors in Australia, Brazil, or Turkey).

[2] "Other investigations" includes all requests in which the nature of the underlying investigation was not clear based on the request.