

Law Enforcement Support Center (LESC)

Subpoena Compliance and Exigent Circumstance Guidelines

Exigent Contact Information Law Enforcement Only 501-748-7364

This number is monitored 24x7x365 for Law Enforcement Exigent Circumstances Only, in responding to matters involving imminent harm to a child, risk of death, or serious physical injury to any person and requiring disclosure of information without delay. This number should not be used for status requests or questions about Windstream response. Note: Windstream will not review or respond to exigent requests submitted by non-law enforcement officials. Customers aware of an emergency/exigent situation should immediately and directly contact law enforcement officials.

For general information or questions regarding legal process please call Windstream's Law Enforcement Support Center at 877-999-7705 option 1, option 1 or email LEA@windstream.com.

Legal Response Guidelines

Windstream's Law Enforcement Support Center assist law enforcement agencies in their investigations while protecting subscriber privacy as required by law and applicable privacy policies. The main federal statutes that Windstream must conform to when releasing subscriber information are: The Cable Communications Policy Act of 1984 (47 U.S.C. § 551); The Electronic Communications Privacy Act (18 U.S.C. §§ 2510-2522, 2701-2712, 3121-3127); Communications Assistance for Law Enforcement Act (47 U.S.C. §§ 1001-1010); the Telecommunications Act of 1996 (particularly, 47 U.S.C. § 222 pertaining to customer proprietary network information or CPNI) and Stored Communications Act ("SCA"), 18 U.S.C Sections 2701-2712. Windstream also complies with all applicable state and federal laws.

Windstream's Privacy Policy and Law Enforcement Disclosures

Windstream's network management practices are designed to provide the best possible online experience to its customers. To that end, Windstream monitors traffic flows between points within its network and between its network and locations on the Internet for purposes of providing security for its customers, planning for future needs, and ensuring that its network runs efficiently. Monitored information includes the amount of data sent to and from your connection, the source and destination of the data, and the type, but not the contents, of information sent and received. In limited circumstances, Windstream may also investigate the contents of the information to determine whether it is malicious in nature (such as a virus, spam, worm, etc.) or when required by law to comply with judicial orders or regulations. Windstream cares deeply about the privacy of our subscribers' information and will protect the privacy of our subscribers even while working with law enforcement to prevent criminal activity. For more information about Windstream's Privacy Policy, please visit <https://www.windstream.com/about/legal/Privacy-Policy>, which provides details on how Windstream protects its customers' Personally Identifiable Information ("PII") from inappropriate use. The acceptable Use Policy can be found at <https://www.windstream.com/about/legal/Acceptable-Use-Policy>

Service of Process

Windstream uses Registered Agent Solutions, Inc (RASi) as our registered agent. RASi accepts submission of legal requests *for criminal and civil matters (example: subpoena, court order, search warrant)*. Please check with your Secretary of State website for the correct physical RASi address to send the legal request. RASi can accept legal request through fax or email in some states. The email address to send legal request can be sent to SOP@RASi.com. Please call RASi at **888-705-7274** to determine which states can legally accept requests electronically and for any other questions you may have on how to serve Windstream and its entities.

Additionally, in early 2017, EarthLink and Broadview Networks was merged with Windstream. Please refer to the Secretary of State's website for your state to ensure that your request is addressed appropriately. For Windstream subpoenas, 'Windstream Services, LLC c/o RASi' or for EarthLink subpoenas, 'EarthLink Holdings, LLC c/o RASi'; for Broadview Networks subpoenas, 'Broadview Networks c/o RASi'; or '(active business entity) c/o RASi' that is registered within the Secretary of State site for the state where the court or agency is located.

Furthermore, Windstream sold the legacy EarthLink consumer (residential) internet business on 12/31/18. Any legal request needing information on Earthlink consumer accounts will need to go to Earthlink LLC, 1439 Peachtree St. NE, Atlanta, GA, 30309 or their registered agent, Corporation Service Company. CSC can be reached at 866-403-5272. This does not affect EarthLink business accounts, please continue to send those requests to Windstream's registered agent.

Account Preservation

Windstream will take steps to preserve account records upon receipt of a preservation letter. These requests typically ask Windstream to preserve the information for 90 days from the day we receive the request. You may expedite a preservation requests by submitting it through our email at LEA@windstream.com or fax #330-486-3131. Otherwise mail it in to ATTN: LESC, Windstream Services, LLC, 4001 Rodney Parham Road, Little Rock, AR 72212. Preservation requests are the only types of request that Windstream will accept directly.

Fee Schedule (18 U.S.C. § 2706)

Windstream does not charge for responses to legal process served by a government entity involving child exploitation. Windstream reserves the right to seek reimbursement for processing and responding to all other legal process as permitted by law. The fees for certain requests can be found on the [fee schedule](#) (fee schedule document).

Requesting parties will be provided an invoice at the time of disclosure. Additional charges may apply for (i) requests that are voluminous in nature, (ii) requests for information that are not retrievable in the ordinary course of business, (iii) Court Orders requiring the installation of pen register/trap and trace devices, and (iv) Court Orders requiring interception of communications.

Civil cases totaling over \$500 require at least half of the invoice total to be paid before any information is released.

Response Time

Requests are processed in the order received subject to emergency and priority requests. Responses are generally provided within 10 business days. If a request relates to a child exploitation or safety matter, please specify those circumstances (and include relevant NCMEC report identifiers) in the

request to ensure that we can address these matters expeditiously and effectively. Exigent responses are attempted to be made in real time. If you are requesting information in an exigent circumstance please call [501-748-7364](tel:501-748-7364).

To assist in timely responses, please do not request a status update for at least 10 business days from the date that you submitted your request. You may email status requests or other questions to LEA@windstream.com, or call 501-748-9450.

Notification

Windstream will notify its subscribers when their information is being disclosed during a civil case. We will also provide delayed notice upon expiration of a specific non-disclosure period in a court order and where we have good faith belief that exceptional circumstances no longer exist, and we are not otherwise prohibited by law from doing so. If Law Enforcement Agencies believe that a notification would jeopardize an investigation should obtain the appropriate court order or other appropriate process establishing that notice is prohibited.

Information Required on All Request

Prior to the disclosure of any information, Windstream Services LLC is required to follow a proper and valid legal process. This process must be signed, dated and addressed to a proper legal entity – the most common of which is “Windstream Services LLC”. All acceptable entities will be listed on your Secretary of State’s website. Windstream Services LLC must also include contact information & the electronic method for the return of records produced (secure email is preferred; however, fax is also acceptable).

In all instances, please include as detailed a description as possible of the information being requested. For example: subscriber name, address, phone number, account number, email accounts, outgoing call logs, time frames, time zones etc. We will be unable to process overly broad or vague request.

Account Identification

When seeking customer information, please provide as much of the following information as possible. Examples below:

Telephone Request

- Target telephone number
- The date and time of incident.

IP Request

- Targeted IP address
- A specific date, time, and time zone.

Misc. Request

- Individual’s/Business name and/or
- Account number and/or
- Complete address (e.g. street address, Apt. #, city, state & zip code) and/or
- Email address
- Note that Windstream does not retain information indefinitely and that the Electronic Communications Privacy Act, 18 U.S.C. 2701 et seq. ("ECPA"), prohibits an electronic communications service provider, such as Windstream, from producing electronic

communications content without a search warrant or pursuant to an emergency disclosure request.

Testimony

Windstream employees can offer testimony in support of subscriber identifications in criminal cases. Windstream Services, LLC is not required to provide expert testimony in civil cases. Windstream encourages the use of affidavits to avoid personal court appearances and cost wherever possible. If a special affidavit is required, please attach it to your request.

Call Detail Records

Windstream is required to keep 18 months and may have up to 24 months of calls on a rolling calendar. All calls older than 24 months are purged from Windstream records.

Windstream will release customer outbound and toll-free call records when available with a notarized release of records form. Windstream will not release incoming call records, without receipt of a subpoena, from a court of law or intervention from local, state, or federal law enforcement agencies to obtain the requested records in an exigent circumstance.

Email Content

Email content can be provided with a Search Warrant if a customer has chosen to store email content on Windstream servers. If the account is set up to download emails to the user's computer they are no longer on Windstream servers. Deleted emails are no longer on the servers.