

# 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 (immediate danger of death or an immediate risk of serious bodily injury). This number should not be used for status requests or questions about Windstream response.

For general information or questions regarding legal process please call Windstream's Network Subpoena Compliance Team at 877-999-7705 option 1, option 1 or email [subpoenaresponse@windstream.com](mailto:subpoenaresponse@windstream.com).

## Requests for Subscriber Information

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## Legal Response Guidelines

Windstream's Network Subpoena Compliance Team 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); and the Telecommunications Act of 1996 (particularly, 47 U.S.C. § 222 pertaining to customer proprietary network information or CPNI). Windstream also complies with all applicable state and federal laws.

## Service of Process

Windstream uses CT Corporation as our registered agent. CT Corp. accepts submission of legal requests *for criminal and civil matters*. Please call CT Corp at **866-925-9916** and follow the prompts to be provided with the address for the CT location that serves your state. Please note that CT Corp does not accept subpoenas via email or fax.

Additionally, effective Feb 27, 2017, EarthLink, LLC has merged with Windstream and effective July 28, 2017, Broadview Networks has 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 CT Corporation' or for EarthLink subpoenas, 'EarthLink Holdings, LLC c/o CT Corporation'; for Broadview Networks subpoenas, 'Broadview Networks c/o CT Corporation'; or '(active business entity) c/o CT Corporation' that is registered with the Secretary of State for the state where the court or agency is located.

### **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. 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 [subpoenaresponse@windstream.com](mailto:subpoenaresponse@windstream.com), or call 501-748-9450.

### **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 look into 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>

## **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).

If you are serving a court order or a warrant which is a follow-up to a prior arrest, you must include a copy of the original arrest record and our internal case number (if available). This is in order to expedite the process.

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.

## **Account Identification**

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

### **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.

### **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.