Snapchat
Law Enforcement Guide

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I. Snapchat and Law Enforcement

Snapchat is a mobile phone application available through the iPhone App Store and Google Play. The application provides a new way to share moments with photos, videos, and text. The purpose of this guide is to familiarize U.S. law enforcement agencies with the categories of information available from Snapchat and the specific legal process needed to compel that information.

This guide provides information for domestic U.S. governmental and law enforcement agencies. International governmental and law enforcement agencies must rely on the mechanics of the Mutual Legal Assistance Treaty (“MLAT”) or letters rogatory to seek user information from Snapchat. Snapchat may provide this guide to international agencies to help them understand how Snapchat works, but the legal process and emergency disclosure provisions apply only to U.S. agencies.

Snapchat is committed to assisting law enforcement investigations as the law requires. That is why we provide not only this guide but also phone and email support to law enforcement agencies for both emergency and non-emergency inquiries. Contact information for Snapchat’s law enforcement support is listed on the cover of this guide.

For the most part, Snapchat’s ability to disclose user information is governed by the Electronic Communications Privacy Act, 18 U.S.C. § 2701, et seq. (“ECPA”). ECPA mandates that Snapchat 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 authorizes law enforcement to compel Snapchat to disclose basic user identity information, login information, and account content (definitions provided in Section IV of this guide) in response to appropriate legal process.

It is important to recognize that Snapchat cannot provide legal advice to law enforcement officials. So if you need further clarification about ECPA’s restrictions on providers like Snapchat, we suggest that 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

Snaps
A user takes a photo or video using their camera phone in real-time. The user then selects a time limit 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 then be sent to a friend in Snapchat.

Stories
A user can also add the photo/video Snap to their “Story”. Depending on the user’s privacy settings, the photos and videos added to a Story can be viewed by either all Snapchatters or just the user’s friends for up to 24 hours.

Chat
A user can also type messages to friends within the Snapchat app using the Chat feature. A user sends a Chat message to a friend, and once it is viewed by both parties – and both parties swipe away from the Chat screen – the message will be cleared. Within the Snapchat app itself, a user can opt to save part of the Chat by tapping on the message (text or photo) that he or she wants to keep. The user can clear the message by tapping it again.

III. Locating a Snapchat Account

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—with varying degrees of success—to locate the account with a phone number or email address.
IV. User Records Maintained by Snapchat and the Legal Process Required to Obtain Those Records

Note: Please send all legal process via email to lawenforcement@snapchat.com

Snapchat can release account records on a non-emergency basis only if it receives legal process that fully complies with ECPA. The required legal process varies depending on the type of information you seek:

a. Basic Subscriber Information
Basic 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 may include:

- Snapchat username
- Email address
- Phone number
- Snapchat account creation date

Process required for subscriber information: This information can be obtained through a subpoena (including one issued by a grand jury), administrative subpoena, or civil investigative demand pursuant to 18 U.S.C. § 2703(c)(2); a court order issued in accordance with 18 U.S.C. § 2703(d); or a federal or state search warrant.

b. Log of Previous Snaps
Snapchat retains logs of previous messages sent and received. The logs contain meta-data about the messages, but not the content.

Process required for the log of previous Snaps: This information is available pursuant to a court order under 18 U.S.C. § 2703(d) or a federal or state search warrant.
c. Message Content
In certain limited circumstances it may be possible for Snapchat to retrieve the content of sent messages. The reason Snapchat often will not be able to retrieve message content is that Snapchat deletes each Snap from its servers once all recipients have viewed it. And even when a Snap remains unopened, it will be deleted 30 days after it was first sent.

*Process required for message content:* A federal or state search warrant is required for requests that include message content.

d. International Governmental and Law Enforcement Requests
International governmental and law enforcement agencies must use MLAT or letters rogatory processes to seek user information from Snapchat.

*Please note:* Snapchat is continuously being updated with new features to improve the user’s experience and functionality of the service.

When providing Snapchat with legal process for user information, please provide the following details: the username of the account you seek information from, whether the results must be returned before a specific date, and where the results should be returned.

Snapchat accepts service through email (lawenforcement@snapchat.com) and U.S. mail and overnight courier services (at the address provided on the cover of this guide). Snapchat may produce documents in response to out-of-state domestic legal process such as subpoenas, court orders, emergency requests, and search warrants.

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 on law enforcement department letterhead, Snapchat will preserve available account information associated with the username listed in the request in an offline file for up to 90 days and will extend the preservation for one additional 90-day period on a renewed request.
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 whether the request is seeking both the information preserved and any updated user account information. To expedite our response, please also refer to any prior preservation requests by date, or if you received a confirmation email, provide us with the Snapchat case number.

VI. Emergency Requests

Under 18 U.S.C. §§ 2702(b)(8) and 2702(c)(4), Snapchat is able to disclose information voluntarily when we believe in good faith that an emergency posing a threat of death or serious physical injury to any person requires the immediate disclosure of this information.

During non-holiday business hours (Monday to Friday, 9am – 5pm PT), you may request user records on an emergency basis by sending an email to lawenforcement@snapchat.com or by calling 310-684-3062. During non-business hours, you may call 310-684-3062. Note: This phone number is for law enforcement emergency requests only. All other law enforcement questions or general inquiries should be sent to lawenforcement@snapchat.com.

All emergency requests must be signed by a sworn law enforcement officer, and those received through email must come from a valid law enforcement email address. Sample Emergency Disclosure form language is provided in section VIII of this Guide. When drafting your emergency disclosure request, please describe the nature of the emergency as specifically as possible and specify the information that you are seeking to resolve the emergency situation.

VII. Snapchat Retention Periods

The retention periods identified below reflect Snapchat’s retention of user data in the ordinary course of business. Snapchat honors law enforcement preservation requests made during the period the data is available.
Active Accounts
Subscriber information: The basic identity information entered by a user in creating an account is maintained as long as the user has not edited the data or removed the information from the account. Once the user makes a change, the previously existing information is overwritten. Upon receipt of a preservation request, however, Snapchat can capture the user data available at that time, and future actions by the user will not affect the preserved data. Snapchat also retains logs of previous Snaps and may, under certain limited circumstances, store the content of users’ unopened Snaps (see the previous discussion of message content in Section IV.C).

VIII. 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:
“Records concerning the identity of the user with the username ______ consisting of the email address, phone number, and account creation date”

b. Sample Language for Snap Logs
“Logs, including sender, recipient, date, and time, concerning the previous Snaps sent to or from the Snapchat account with the username ________________.”

c. Sample Preservation Request Letter
(Must be on law enforcement department letterhead and sent from an official governmental email address)
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 subscriber 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 Use.

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)

d. Sample Emergency Disclosure Form
(Must be on the investigating agency or department letterhead and sent from an official governmental email address.)

Dear Custodian of Records:

I request release of records for the Snapchat account associated with ______________(username, email address, or phone number) on an emergency basis pursuant to 18 U.S.C. § 2702(b)(8) and § 2702(c)(4).
I have provided below answers to the following questions in enough detail as I am able in order to provide a good-faith basis for releasing records on an emergency basis:

- What is the nature of the emergency involving a danger of death or serious physical injury?
- Whose death or serious physical injury is threatened?
- What specific information in Snapchat’s possession related to the emergency are you requesting?

________________________________________  ____________________________
Signature of Sworn Officer                  Printed Name of Sworn Officer

________________________________________  ____________________________
Agency                                      Date