



## ATLANTIC BROADBAND LAW ENFORCEMENT HANDBOOK

### INTRODUCTION

Atlantic Broadband will assist law enforcement agencies in their investigations while protecting subscriber privacy as required by law and applicable privacy policies. Atlantic Broadband conforms to all applicable law when releasing subscriber information, including: 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); and the Telecommunications Act of 1996 (particularly, 47 U.S.C. § 222 pertaining to customer proprietary network information or CPNI). The most current versions of these statutes are available from the US Government website: [www.gpoaccess.gov/uscode/](http://www.gpoaccess.gov/uscode/) Atlantic Broadband endeavors to provide timely and accurate responses to all conforming law enforcement and legal requests.

This Handbook is provided for informational purposes only. Atlantic Broadband expressly reserves the right to add, change, or delete any information contained in this Handbook at any time and without notice. Furthermore, Atlantic Broadband reserves the right to respond or object to, or seek clarification of, any legal requests and treat legal requests for subscriber information in any manner consistent with applicable law.

### CONTACT INFORMATION

Atlantic Broadband accepts service of subpoenas, warrants and court, subject to payment of applicable costs at:

**Physical Address:** 2 Battery March Park  
Suite 205  
Quincy, MA 02169  
Records Custodian

**Fax Number:** (617) 786-8803

**Email:** [Subpoenas@atlanticbb.com](mailto:Subpoenas@atlanticbb.com)

#### **Corporate Contact Information:**

STATUS REQUEST AND QUESTIONS: (617) 786-8800 ext 120

SERVICE VIA FAX: (617) 786-8803

CONTACT PERSON: Suzanne Arundale, Paralegal

CONTACT EMAIL: [Subpoenas@atlanticbb.com](mailto:Subpoenas@atlanticbb.com)

BUSINESS HOURS: 8:30am- 5:00pm Eastern Time

AFTER BUSINESS HOURS- EMERGENCY ONLY: (814) 534- 8150

AFTER BUSINESS HOURS- EMERGENCY ONLY FAX: (814) 410- 2752

Physical service may be made on the agent for service of process for Atlantic Broadband, available from the secretary of state wherever we do business.

### COST REIMBURSEMENT (18 U.S.C. § 2706)

Atlantic Broadband requires the following fees for each subpoena, court order, or search warrant request to defer the cost to Atlantic Broadband for compliance. Atlantic Broadband does not charge for compliance with requests served by a government entity involving child pornography or endangerment.

- \$35.00 per account for basic information
- \$75.00 per account for expedited handling (three business days or less)
- \$80.00 Preservation requests
- \$35.00/Month Telephone call detail records (other than toll)

- \$0.15/Page            Photocopies and facsimiles exceeding 10 pages
- \$15.00                Data on CD-ROM
- \$35.00                Express Delivery
- \$75.00/hr./staff    Requests requiring greater than 0.5 hours (\$35.00 minimum)
- Wiretap: \$2,000.00 for each 30 days
- Pen Register/Trap and Trace: \$1,500.00 for each 60 days
- For all requests that necessitate an Atlantic Broadband employee to travel to complete compliance, Atlantic Broadband requests reimbursement for all reasonable, documented travel and related expenses.

Please make checks payable to Atlantic Broadband Finance, LLC.

### **TYPES OF REQUESTS**

Generally, the following information, when available to Atlantic Broadband, can be supplied in response to the types of requests listed below. Each request is evaluated and reviewed on a case-by-case basis in light of any special procedural or legal requirements and applicable laws. The following examples are for illustration only.

#### **Grand Jury, Trial, or Statutorily Authorized Administrative Subpoena**

Law enforcement agencies are eligible to receive subscriber identification without notice to the subscriber:

- Subscriber's name
- Subscriber's address
- Length of service including start date
- Subscriber's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- Subscriber's email account names
- Means and source of payment for such service (including any credit card or bank account number), and
- In certain instances, email communications older than 180 days with notice.

#### **Judicial Summons**

Law enforcement agencies are eligible to receive subscriber identification including:

- Subscriber name
- Subscriber address
- Length of service including start date
- Subscriber's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- Subscriber's email account name, and
- Means and source of payment for such service (including any credit card or bank account number).

#### **Court Order**

Law enforcement agencies can receive subscriber identification including:

- Subscriber name
- Subscriber address
- Length of service including start date
- Subscriber's telephone number, instrument number or other subscriber name or identity, including a temporarily assigned network address
- Subscriber's email account names
- Means and source of payment for such service (including any credit card or bank account number), and
- The content of certain of the subscriber's email communications can be provided if stated within the order and with notice.

#### **Search Warrant**

Law enforcement agencies are eligible to obtain subscriber identification including:

- Subscriber's name
- Subscriber's address
- Length of service including start date
- Subscriber's telephone number, instrument number or other subscriber number or identity, including a temporarily assigned network address
- Subscriber's email account names
- Means and source of payment for such service (including any credit card or bank account number), and
- The content of certain of the subscriber's email communication can be provided if stated within the order.

## **Business Customers**

In rare instances, due to our Agreement with our Business Subscribers, we are required to notify the subscriber before releasing any information. We will advise you of such before reaching out to the Customer obtaining your consent to do so or allowing you to withdraw the Subpoena, Warrant or Court Order.

### **Important Note on Email Communications:**

In most instances, email communications in storage for 180 days or less may only be produced in response to a state or federal warrant and in such situations may be done so without notice to the subscriber. For email communications in storage for over 180 days, a warrant may also be used, and court orders and valid statutorily authorized administrative subpoenas may be used, but use of these two alternative methods generally requires notice to the subscriber. Note however, that Atlantic Broadband generally does not store email communications for this period of time: See RETENTION POLICIES below.

### **Preservation Request/ Backup Preservation Request**

Title 18 U.S.C §§ 2703 (f) and 2704 provide a mechanism for law enforcement agencies to require Atlantic Broadband to preserve subscriber data until an appropriate legal order is obtained. No information can be released until Atlantic Broadband received a formal and valid legal request. The information will be retained for 90 days upon which, if no valid legal request is made, or no authorized 90 days extension is sought, the information will be permanently purged.

### **Pen Register/ Trap and Trace Device**

Title 18 U.S.C. § 3123 provides a mechanism for authorizing and approving the installation and use of a pen register or a trap and trace device pursuant to court order. Atlantic Broadband uses a third-party vendor, Subsebtio to assist with the processing of all such orders. All orders must be coordinated prior to submission to Atlantic Broadband.

### **Foreign Intelligent Surveillance Act of 1978**

Title 50 U.S.C §§ 1801- 1862 and new §§ 105A and B. Submission to Atlantic Broadband should be coordinated with the FBI field office in Boston, MA. A Special Agent will be tasked to hand deliver the request to Atlantic Broadband. Such requests should be sent to the attention of the General Counsel. Upon receipt, Atlantic Broadband will handle all documents with the appropriate care and security as required by law.

### **National Security Letter**

All National Security Letters should be coordinated with the FBI field office in Boston, MA. A Special Agent will be tasked to hand deliver the request to Atlantic Broadband. Such requests should be sent to the attention of the General Counsel Upon receipt, Atlantic Broadband will handle all documents with the appropriate care and security as required by law. Attention must be paid to the various court proceedings in which the legal status of such request is at issue.

### **Child Abuse**

Atlantic Broadband will make information available to the National Center for Missing and Exploited Children as required by 42 U.S.C § 13032.

### **\*57 - Customer Originated Trace**

Customer Originated Trace - Provides the recipient of an obscene, harassing, or threatening call the ability to request an auto-trace of the last call received.

### **Emergency Disclosure**

18 U.S.C § 2702 (b)(8) and § 2702 (c)(4) contain provisions for the expedited release of subscriber information in situations where there is an immediate danger of death or an immediate risk of serious physical injury. Law enforcement agencies must adequately complete the appropriate Atlantic Broadband Emergency Situation Disclosure Request form (Forms attached) and they will receive accelerated subscriber identification.

## **INTERNET COMPLIANCE**

### **Subscriber Account Information and Related Records**

Atlantic Broadband has the ability to identify Atlantic Broadband High Speed Internet Subscriber accounts based on the following criteria:

- Internet Protocol (IP) addresses including date and time of incident;
- Subscriber name and address;
- Email account identifier;
- Subscriber account number.

Typically, upon receipt of a properly and timely (within 6 months) submitted valid and statutorily authorized legal request, Atlantic Broadband can supply the subscriber's name, address, telephone number, email accounts, Atlantic Broadband account number and current account status.

### **For identification based upon an IP address:**

Before sending a request, please confirm that the IP address is assigned to Atlantic Broadband. This can be accomplished by visiting <http://ws.arin.net/whois> or <http://www.ip2location.com/free.asp>

### **For identification based upon an email address:**

All email address accounts obtained through Atlantic Broadband High Speed Internet will end in @atlanticbb.net (e.g. JohnDoe@atlanticbb.net). If the email account ends in any other domain (i.e. @hotmail.com or @yahoo.com), Atlantic Broadband will not have information responsive to the request.

### **For identification based upon a person's name:**

Atlantic Broadband cannot identify a subscriber based upon a name alone. It is necessary to include the street address where it is believed the individual receives service. It may be possible in some cases to identify a subscriber based on name and a city and state (with no street address).

Atlantic Broadband will only respond to a request for identification based on the name exactly as it is written on the request. For example, if the request asks for information relating to James Doe in Springfield and Atlantic Broadband's records reveal a J. Doe and/ or a Jim Doe in Springfield, Atlantic Broadband will not have information responsive to the request or may require additional legal process to determine if it has responsive information. If initials or nickname are used you should add a request for those other versions of the name in your legal request.

### **For identification based upon a street address:**

It is necessary to provide an entire street address. In the request please supply the house or apartment number, the street name, the city and the zip code of the location you have targeted. Over a length of time it is possible that Atlantic Broadband has supplied service to multiple customers at the same address. Therefore, it is necessary to narrow a search for customer identify to a specific period of time.

### **For identification based upon an Atlantic Broadband account number:**

Please provide a complete account number. Legal request with incomplete account numbers will not result in successful identifications.

## **Internet Service Retention Policies IP**

### **Address Information**

Atlantic Broadband currently maintains Internet Protocol address log files for a period of at least six (6) months. If Atlantic Broadband is asked to respond for information relating to an incident that occurred beyond this period, we may not have responsive information and may not be able to fulfill a legal request. Atlantic Broadband can process and respond to preservation requests as outlined below in this Handbook.

### **Web Mail Account Information for email contents and attachments**

Atlantic Broadband High Speed Internet Customers accounts are currently provided with up to 10 separate email accounts. Customers may choose to not use Atlantic Broadband email at all, instead using another provider's email such as Hotmail or Yahoo Mail, or use those email services in addition to an Atlantic Broadband email account. In cases involving another entity's email service or account, Atlantic Broadband would not have any access to or ability to access customer email in response to a legal request. Legal requests seeking the contents of emails or attachments to emails should also be aware of the following:

- Where customers use Atlantic Broadband email, they may use the Atlantic Broadband Webmail service. This permits customers to access their email from any Internet connected computer. In this case, the contents of emails are stored on Atlantic Broadband's email servers where they may be produced in response to a legal request if they have not been deleted by the customer or gone beyond the default retention period.
- Customers may also use an email client program like Outlook Express, Outlook or Eudora to move or "pop" emails from Atlantic Broadband's email servers to their own personal computer. In those cases, emails may be deleted from Atlantic Broadband's email servers and if they are deleted, than they are not accessible to Atlantic Broadband.
- Customers may also use Webmail and email client program and leave emails on Atlantic Broadband's email servers as well as copy, not move, them to their personal computers. In these cases, emails that remain on Atlantic Broadband's email servers may be produced in response to a legal request if they have not been deleted by the customer or gone beyond the default retention period.

### **Default Retention Period**

Atlantic Broadband's Webmail service permits customers to change their email deletion policies but the current default settings are described below:

Inbox	(Read Mail- 30 day retention period) (Unread Mail - 30 day retention period)
Trash	(Read Mail- Indefinitely, storage limitations apply) (Unread Mail- Indefinitely, storage limitations apply)
Sent Mail	(Read Mail- Indefinitely, storage limitations apply) (Unread Mail- Indefinitely, storage limitations apply)
Screened Mail	(Read Mail- Indefinitely, storage limitations apply) (Unread Mail- Indefinitely, storage limitations apply)
Personal Folders	(Read Mail- Indefinitely, storage limitations apply) (Unread Mail- Indefinitely, storage limitations apply)
Pop3 Mail	(Deleted immediately from web mail servers)

Note: Atlantic Broadband High Speed Internet customers can set their own preferences for certain web mail deletion or retention; thus, individual's customer accounts may have settings that differ from those above.

### **VOICE COMPLIANCE**

Subscriber Account Identification and Related Records

#### **For identification based upon telephone number(s):**

Atlantic Broadband can only provide account information on telephone numbers with which we currently or have historically provided service.

#### **For identification based upon a person's name:**

Atlantic Broadband cannot identify a subscriber based upon a name alone. It is necessary to include the street address where it is believed the individual receives service. It may be possible in some cases to identify a subscriber based on name and a city and state (with no street address).

Atlantic Broadband will only respond to a request for identification based on the name exactly as it is written on the request. For example, if the request asks for information relating to James Doe in Springfield and Atlantic Broadband's records reveal a J. Doe and/or a Jim Doe in Springfield, Atlantic Broadband will not have information responsive to the request or may require additional legal process to determine if it has responsive information. If initials or nicknames are used, you should request those other versions of the name in your legal request.

#### **For identification base upon a street address:**

It is necessary to provide an entire street address. In the request please supply the house or apartment number, the street name, the city and the zip code of the location you have targeted.

Over a length of time it is possible that Atlantic Broadband has supplied service to multiple customers at the same address. Therefore, it is necessary to narrow a search for customer identify to a specific period of time.

#### **For identification based upon an Atlantic Broadband account number:**

Please provide a complete account number. Legal request with incomplete account numbers will not result in successful identifications.

### **Voice Service Retention Policies**

#### **Call Detail Records**

Atlantic Broadband maintains 1 year of historical call detail records (records of local and long distance connections) for our telephone service. This includes local, local toll, and long distance records.

#### **Account Records**

Account records are generally stored for approximately 1 year after the termination of an account. If the account has an outstanding balance due, records may be retained for a longer period of time.

**\*57 - Customer Originated Trace**

Customer Originated Trace - Provides the recipient of an obscene, harassing, or threatening call the ability to request an auto-trace of the last call received. When the customer has registered a Complaint with law enforcement and completed a Letter of Authorization (Form Attached) Atlantic broadband will release \*57 information to law enforcement.

**CABLE TELEVISION COMPLIANCE**

**Subscriber Account Identification and Related Records**

For subscribers to our cable television service, the Cable Act requires Atlantic Broadband as a cable operator to disclose personally identifiable information to a governmental entity solely in response to a court order (and not, for example, a subpoena) or with the subscriber's express written consent. The Cable Act requires that the cable subscriber be afforded the opportunity to appear and contest in a court proceeding relevant to the court order any claims made in support of the court order. At the proceeding, the Cable Act requires the governmental entity to offer clear and convincing evidence that the subject of the information is reasonable suspected of engaging in criminal activity and that the information sought would be material evidence in the case. See 47 U.S.C § 551(h).

**Atlantic Broadband LEA Emergency Request Authorization Form**

(To be completed by Law Enforcement Only)

Please call (814) 534- 8150 before faxing a signed copy of the Emergency Request Form to (814) 410-2752

**Identity of Requesting Party**

LEA \_\_\_\_\_

Representative \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_ Cell \_\_\_\_\_

Fax \_\_\_\_\_ Email \_\_\_\_\_

Nature and Extent of Emergency \_\_\_\_\_

Customer Information Sought \_\_\_\_\_

Customer Identification (i.e. name, address, e mail, IP address, telephone number) \_\_\_\_\_

Interception of Communication Sought (if applicable) \_\_\_\_\_

Purpose of Interception \_\_\_\_\_

Type of Interception \_\_\_\_\_

Duration of Interception (Request over 48 hours cannot be honored without a court order)

Has court order been requested? \_\_\_\_\_ Name of Court \_\_\_\_\_

If not requested, when will it be requested? \_\_\_\_\_

**Indemnification**

The requesting party acknowledged that this request is made solely as a result of an imminent threat to life or of serious bodily harm and that the information shall not be obtained shared or disseminated for any unlawful or harmful purpose. Requesting party affirms the above information, represents he has the authority to execute this form and agrees to indemnify and hold Atlantic Broadband, its subsidiaries, employees, and agents harmless for any claim, demand, loss or injury, including attorneys' fees brought against Atlantic Broadband by a third party, including the subscriber, as a result of Atlantic Broadband's compliance with this request. The requesting party will forward a subpoena, court order or warrant to Atlantic Broadband at 617-786-8803 or via email at Subpoenas@atlanticbb.com within 2 days of submitting an emergency request.

\_\_\_\_\_  
Law Enforcement Signature

\_\_\_\_\_  
Date

Please call (814) 534- 8150 before faxing a signed copy of the Emergency Request Form to (814) 410-2752. Please also send a copy to Subpoenas@atlanticbb.com.

**LETTER OF AUTHORIZATION FOR CALL TRACE**

(To be completed by Atlantic Broadband customer)

To Whom It May Concern:

By this letter I authorize Atlantic Broadband to establish a call trap on telephone number (\_\_\_\_)\_\_\_\_ - \_\_\_\_\_ for the purpose of determining the identity of the person or persons responsible for making nuisance, harassing, or threatening telephone calls to the above number.

I agree to prosecute the person or persons apprehended as a result of information obtained through the trap and trace procedures performed on my behalf.

I have filed a complaint with my local law enforcement agency and the following information is provided:

- a. Name of law enforcement agency: \_\_\_\_\_
- b. Address of law enforcement agency: \_\_\_\_\_
- c. Telephone number: \_\_\_\_\_
- d. Fax number: \_\_\_\_\_
- e. Case/ Complaint Number: \_\_\_\_\_
- f. Investigating Officer: \_\_\_\_\_
- g. Investigating Officer Email: \_\_\_\_\_

I understand that any information obtained as a result of the trap and trace will be provided only to the law enforcement agency named above.

Customer Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Agency: \_\_\_\_\_  
Date: \_\_\_\_\_