

3 March 2010

Cryptome requested by email Earthlink's detailed procedure for releasing customer information on February 28, 2010. No response has been received.

Information offered on its website is presented here.

<http://www.earthlink.net/about/policies/>



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## EARTHLINK POLICIES & AGREEMENTS

### EarthLink Civil Subpoena Policy

EarthLink does not release personally identifying information about our customers except in limited instances related to law, security, or safety, or with a customer's express permission.

To request customer information from EarthLink in a civil case, you must serve EarthLink at the address listed below with a valid subpoena or court order and agree to compensate EarthLink for EarthLink's subpoena response services. Prior to responding, EarthLink may require you to provide a copy of the complaint or other supporting documentation to demonstrate the materiality of the information requested.

In response to a valid civil subpoena, it is EarthLink's policy to notify the customer of the civil request for their information. In non-emergency situations, EarthLink will generally respond after approximately fifteen (15) days, unless the customer presents EarthLink with notice of having filed a motion to quash the subpoena or having sought similar protection from a court. EarthLink reserves the right to object to the subpoena on any applicable grounds.

If you are seeking information regarding a customer, please provide as much of the following as possible: customer name, account number, email address, mailing address, and telephone number. If you are seeking information related to an IP address, please include the date, time and time zone applicable to your request. In researching IP addresses, EarthLink may also request a user name, where available. Please note that, regarding requests for customer or IP address information, EarthLink does not retain such information indefinitely. For example, customer

information that is older than six months and IP address information that is older than four months may be unavailable.

EarthLink does not typically retain certain information such as outgoing email, downloaded email, or Web/chat logs. Please be advised that the Electronic Communications Privacy Act, 18 U.S.C. 2701 et seq., prohibits an electronic communications service provider, such as EarthLink, from producing the contents of an electronic communication, even pursuant to subpoena or court order, except in limited circumstances.

Send all subpoenas and court orders seeking customer information only via U.S. certified mail, Airborne Express, UPS, or Federal Express to:

EarthLink Legal Dept./Subpoena  
Compliance  
1375 Peachtree Street  
Level A  
Atlanta, GA 30309

Follow up requests may be submitted via facsimile at 404.287.4905 or via email at [subpoena@corp.earthlink.net](mailto:subpoena@corp.earthlink.net).

Subpoenas for information other than customer information must be served in accordance with applicable law. EarthLink's registered agent for service of process is on file with the Georgia Secretary of State.

For its subpoena response services, EarthLink charges \$75.00 per hour for research, \$0.25 per page for copies, and \$22.00 per package to respond by overnight delivery. Additional charges may apply for requests involving voluminous information or other time or cost intensive requests. Invoices should be paid within 30 days of receipt, with checks must be made out to EarthLink, Inc.

To contact the EarthLink Subpoena Compliance Department, you may call 404.748.6191 or use the email address [subpoena@corp.earthlink.net](mailto:subpoena@corp.earthlink.net). Please note that requests for information involving Helio customers or former EarthLink wireless customers should be directed to Helio at Helio LLC, Legal Department, 10960 Wilshire Blvd., Suite 700, Los Angeles, CA 90024.

EarthLink reserves the right to determine in its sole discretion the applicability of this policy to any

particular request and this policy does not create any enforceable legal rights, either for EarthLink customers or for requesting parties.

Version: 09-23-2008

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## EARTHLINK POLICIES & AGREEMENTS

### EarthLink Privacy Policy

Your privacy is very important to us. We want to make your experience on the Internet as enjoyable and rewarding as possible, and we want you to use the Internet's vast array of information, tools, and opportunities with complete confidence.

EarthLink has created this Privacy Policy to demonstrate our firm commitment to privacy and security. This Privacy Policy describes how EarthLink collects information from users of EarthLink services (the "Services"), how we use the information we collect and the choices you have concerning the collection and use of such information. Please read this Privacy Policy carefully.

### Collection and Use of Information

Members are asked to provide certain information when they sign up for our Services such as name, address, telephone number, billing information (such as a credit card number), and the type of personal computer being used to access the Services. The personal information collected from Members during the registration process is used to manage each Member's account (such as billing and collections).

In order to better understand its Members, EarthLink collects consumer data such as ZIP code, demographics and other publicly available information from third-parties. EarthLink uses this data to provide product and service offers. We use data in aggregate to develop products and offers to better serve its Members.

EarthLink collects information from Visitors and Members who use the various parts of our Services.

We use this information primarily to provide a customized experience as you use our Services. EarthLink collects consumer information about its Members through surveys or preference pages. You may request that EarthLink not collect consumer data by visiting our opt-out website at <https://myaccount.earthlink.net/cam/contactinfo.jsp>.

EarthLink may share personal information with select affiliates in order to provide EarthLink services to our Members. EarthLink does not share identifying information (like Name and address) with affiliates for their use in delivering product and service offers to Members. Affiliates will not be allowed to use any information provided in serving our customers to be sold, rented, or given to any other company. Affiliates are not allowed to use EarthLink data for any other purpose other than EarthLink approved programs designed to better serve Members.

In instances where EarthLink and an affiliate jointly promote the Services, EarthLink may provide the affiliate certain personal information, as a result of the joint promotion. In this instance, the information may not be used by the affiliate for any other purpose. EarthLink may also generate aggregate profiles from information provided during registration (such as the total number, but not the names, of Members). We may use this aggregated and non-identifying information to sell advertisements that appear on the Services.

We use registration information to contact you in a variety of ways. We may send you offers through email, phone or regular mail of EarthLink products and services or offers on behalf of selected affiliates. If you order products directly from EarthLink, we will use your information to continue to provide you products that you are interested in. You may exercise your options to not receive any marketing from EarthLink by visiting our opt-out website at <https://myaccount.earthlink.net/cam/contactinfo.jsp>. Customers will still receive administrative emails from EarthLink.

### **EarthLink Affiliates and Sponsors**

Some EarthLink products and services are offered to Members in conjunction with a third-party vendor. For example, we outsource the provision of stock quotes and operation of your stock portfolio (accessible through your Personal Start Page) to a third-party vendor. To provide these products and services, the

vendor may need to collect and maintain your personal information. Additionally, many EarthLink Members have co-branded Personal Start Pages that are cosponsored by non-affiliated partners. EarthLink may share non-identifying and aggregate consumer information with such affiliates in order to more effectively market our co-branded products or services offered to our customers.

### **Online Shopping**

At some websites, you can purchase products and services or register to receive materials, such as a catalog or new product and service updates. In many cases, you may be asked to provide contact information, such as your name, address, email address, phone number, and credit/debit card information. If you complete an order for someone else, such as an online gift order sent directly to a recipient, you may be asked to provide information about the recipient, such as the recipient's name, address, and phone number. EarthLink has no control over third-party websites and their use of any personal information you provide when placing such an order. Please exercise care when doing so.

### **Online Advertisements**

EarthLink may share aggregated and non-identifying information about our Visitors and Members collected through the registration process as well as through online surveys and promotions with select advertisers. In some instances, we use this information to deliver tailored advertisements. Based upon the information we have collected, we may then display advertisements to specific audiences. EarthLink does not share personal information about its Members with these advertisers.

We use DoubleClick and other third-party advertising companies to serve ads when you visit our websites. These companies may use information (not including your name, address, email address or telephone number) about your visits to this and other websites in order to provide advertisements on this site and other sites about goods and services that may be of interest to you. If you would like more information about this practice and to know your choices about not having this information used by these companies, please click here [www.networkadvertising.org](http://www.networkadvertising.org)

### **Voluntary Surveys**

We may periodically conduct both business and

individual surveys. We encourage Members to participate in these voluntary surveys because they provide us with important information that helps us to improve the types of services we offer and how we provide them to you. Your personal information and responses will remain confidential, even if the survey is conducted by a third-party.

We take the information we receive from individuals responding to our surveys and combine (or aggregate) it with the responses of other Members to create broader, generic responses to the survey questions (such as gender, age, residence, hobbies, education, employment, industry sector, or other demographic information). We then use the aggregated information to improve the quality of our services to you, and to develop new services and products. This aggregated, non-personally identifying information may be shared with third-party affiliates.

### **Special Cases**

It is EarthLink's policy not to use or share the personal information in ways unrelated to the ones described above without also providing an opportunity to opt out or otherwise prohibit such unrelated uses. However, EarthLink may disclose personal information or information regarding use of the Services if, for any reason, in our sole discretion, we believe that it is reasonable to do so, including: to satisfy laws, regulations or other legal requests for such information; to disclose information that is necessary to identify, contact or bring legal action against someone who may be violating our Acceptable Use Policy or other policies; to operate the Services properly; or to protect EarthLink, our Services, our employees or our Members.

### **"Cookies" and How EarthLink Uses Them**

A "cookie" is a small data file that can be placed on your hard drive when you visit certain websites. EarthLink may use cookies to collect, store, and sometimes track information for statistical purposes to operate and improve the products and services we provide and to manage our network and property. If you have created your own Personal Start Page, we will use a cookie to save your settings and to provide customizable and personalized services. Additionally, be aware that if you visit non-EarthLink websites where you are prompted to log in or that are customizable, you may be required to accept cookies.

Advertisers and partners may also use their own cookies. We do not control use of these cookies and expressly disclaim responsibility for information collected through them.

### **EarthLink's Commitment to Children's Privacy**

Protecting children's privacy is especially important to us. It is our policy to comply with the Children's Online Privacy Protection Act of 1998 and other applicable laws. You must be 18 to use the Services. EarthLink does not attempt to ask or collect information from any person under the age of 18.

EarthLink may have products and web pages designed especially for younger users under the direct supervision of an adult Member. While we make every effort to ensure that these Services are fun and age-appropriate for a younger audience, we believe that there is no substitute for proper parental supervision. For further information about tips, tools, age-appropriate or kid-friendly websites and how to report online trouble, please visit [www.getnetwise.org](http://www.getnetwise.org).

EarthLink recommends that children ask a parent for permission before sending any personal information anywhere using the Internet.

### **Public Forums**

Any information that you disclose in public areas of our websites or the Internet may become public information. You should exercise caution when deciding to disclose personal information in these areas.

### **EarthLink's Commitment to Data Security**

EarthLink has security measures in place to protect the loss, misuse, and alteration of the information under our control. While we make every effort to ensure the integrity and security of our network and systems, we cannot guarantee that our security measures will prevent third-party "hackers" from illegally obtaining this information. We will never sell your information to a third party.

### **How to Access or Modify Your Information**

EarthLink offers Members the opportunity to access or modify information provided during registration. To access or modify such information, visit [myaccount.earthlink.net](http://myaccount.earthlink.net).

## Questions About EarthLink's Privacy Policy

Questions about this Privacy Policy or the practices described herein should be directed to our FAQ page that is located at [www.earthlink.net/optout](http://www.earthlink.net/optout).

If you have any additional questions about this Privacy Policy or the practices described herein, you may contact:

Customer Service  
EarthLink, Inc.  
1375 Peachtree Street, N.W.  
Level A  
Atlanta, Georgia 30309

## Revisions to This Policy

EarthLink reserves the right to revise, amend, or modify this policy and our other policies and agreements at any time and in any manner. Any revision, amendment, or modification will be posted on our website: [www.earthlink.net](http://www.earthlink.net).

Version 2.0  
Effective 10/31/2003

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## EARTHLINK POLICIES & AGREEMENTS

*Members of the EarthLink Services and visitors to the EarthLink websites agree to abide by the following EarthLink Policies and Agreements.*

### **1. Service Agreements \***

- [EarthLink Internet Service Agreement \(Dial-Up, Residential DSL and MailStation\)](#)
- [EarthLink trueVoice Service Agreement](#)
- [EarthLink DSL & Home Phone Service Agreement](#)
- [EarthLink Cable Internet Service Agreement](#)
- [EarthLink Home Networking Service Agreement](#)
- [EarthLink Web Hosting and EarthLink Domain Name Registration Service Agreement](#)
- [EarthLink Business Internet Service Agreement](#)
- [EarthLink Business T1 Service Level Agreement](#)
- [EarthLink Free Services Service Agreement](#)
- [EarthLink Email Beta Program Service Agreement](#)
- [Canceling Your EarthLink Service](#)

### **2. EarthLink Privacy Policy**

### **3. Usage Policies \*\***

- [EarthLink Acceptable Use Policy](#)
- [EarthLink Simultaneous Usage Policy](#)
- [EarthLink Free Webspace Community Guidelines](#)

### **4. Additional Policies**

- [EarthLink Digital Millennium Copyright Act Policy](#)  
\*\*\*
- [EarthLink Civil Subpoena Policy](#) \*\*\*
- [EarthLink Commercial Email Policy](#)
- [EarthLink Feedback Policy](#)
- [EarthLink My Account Terms of Use](#)

\* The Internet Service Agreement, DSL & Home Phone Service Agreement, Cable Internet Service Agreement, Home Networking Service Agreement and Web Hosting and Domain Name Registration Service Agreement were amended effective November 2, 2009.

\*\*IMPORTANT NOTICE: EarthLink's network may not be used in any fashion for the transmission or dissemination of images containing child pornography. Please report any child pornography complaints to [abuse.cp@earthlink.net](mailto:abuse.cp@earthlink.net). Please see our Acceptable Use Policy for more information.

\*\*\* The EarthLink Digital Millennium Copyright Act and the EarthLink Civil Subpoena Policy have been amended effective as of June 15, 2009.

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