

## **AnchorFree Transparency Report**

January 1<sup>st</sup>, 2019

AnchorFree is committed to providing users with a more private, secure, and open Internet. We believe that all companies and organizations should be fully transparent regarding what information they share with governments, law enforcement agencies, and other third parties regarding their users' use of their services.

AnchorFree is regularly contacted by law enforcement agencies in the United States and in other countries regarding our services. In the vast majority of these cases, we receive requests to identify a particular user based on an IP address that is registered to AnchorFree. We also receive requests regarding what kind of information we store regarding our users.

Because we do not collect information that allows us to trace Internet usage on our VPNs back to individual users, we do not and cannot provide information to governments, law enforcement agencies, or other third parties about what websites our users visit when using our services. Additionally, we cannot identify an individual user based on a public-facing IP address that such entities provide to us. To date, AnchorFree has never provided the identity or other personal information regarding our users to a government, law enforcement agency, or other third party. Moreover, we cannot do so based on public-facing IP addresses regardless of the requesting party or the type of process used. (See "Definitions" below regarding types of lawful process a government, law enforcement agency, or other third party might issue.)

AnchorFree has no desire to allow its products to be used for criminal purposes. In some instances, at the request of law enforcement, AnchorFree has blocked access to certain domains. AnchorFree strives to be a good corporate world citizen, while ensuring the privacy, security, and freedom of our users.

For further transparency, AnchorFree is committed to releasing an annual report regarding the types of requests for information we receive from governments, law enforcement agencies, and other third parties, as well as the geographic location of those requests. For this report – our second – we are releasing data from the last twelve months. For the first time, we are also including data regarding requests from non-governmental entities, as we received such a request during this most recent reporting period. This updated data is provided along with the data from last year's report (data from 2016 and the first ten months of 2017). Going forward, we will continue to release the data on an annual basis for the prior calendar year.

**Total User Data Requests in 2018 – 56**

**Amount of User Data Produced in 2018 – NONE**

**Total User Data Requests in 2017 – 92**

**Amount of User Data Produced in 2017 – NONE**

## Total User Data Requests in 2016 – 79

### Amount of User Data Produced in 2016 – NONE

Total Requests by Month	2018	2017	2016
January	6	9	1
February	7	8	8
March	6	16	9
April	6	11	3
May	5	9	13
June	5	9	6
July	0	6	6
August	5	7	6
September	4	3	6
October	2	3	10
November	5	5	5
December	5	6	6
<b>TOTAL</b>	<b>56</b>	<b>92</b>	<b>79</b>

### 2018 Requests (January 1 – December 31, 2018)

#### Requests by Country

Country	Number of Requests	Amount of User Data Released
U.S.	50	NONE
France	1	NONE
Germany	1	NONE
Russia	1	NONE
Spain	1	NONE
Switzerland	1	NONE
Turkey	1	NONE
<b>Total</b>	<b>56</b>	<b>NONE</b>

#### Requests by Type

Type of Process	Number Received	Percentage of User Data Released
Search Warrant	3	NONE
Court Order	2	NONE
Subpoena	35	NONE

Other (Govt.)*	15	NONE
Non-Government	1	NONE

## 2017 Requests

### Requests by Country

Country	Number of Requests	Amount of User Data Released
U.S.	71	NONE
Brazil	1	NONE
Canada	1	NONE
Czech Republic	1	NONE
Denmark	1	NONE
France	8	NONE
Germany	3	NONE
India	2	NONE
Spain	1	NONE
Switzerland	1	NONE
U.K.	2	NONE
<b>Total</b>	<b>92</b>	<b>NONE</b>

### Requests by Type

Type of Process	Number Received	Percentage of User Data Released
Search Warrant	4	NONE
Court Order	1	NONE
Subpoena	44	NONE
Other (Govt.)	43	NONE
Non-Government	0	N/A

## 2016 Requests

### Requests by Country

Country	Number of Requests	Amount of User Data Released
U.S.	59	NONE
Austria	1	NONE

---

\* As described below, other government requests include, but are not limited to, email inquiries, requisitions, requests forms, demands, official letters and other types of process.

Canada	3	NONE
France	6	NONE
Germany	2	NONE
India	2	NONE
Netherlands	1	NONE
Switzerland	1	NONE
U.K.	4	NONE
<b>Total</b>	<b>79</b>	<b>NONE</b>

### Requests by Type

Type of Process	Number Received	Percentage of User Data Released
Search Warrant	6	NONE
Court Order	2	NONE
Subpoena	29	NONE
Other (Govt.)	42	NONE
Non-Government	0	N/A

### Definitions

Under U. S. law – the Electronic Communications Protection Act (ECPA) – a governmental entity\* cannot force AnchorFree to provide data about our users without serving AnchorFree with legal process. Foreign governments also have to seek U.S. legal process to obtain information from AnchorFree about our users, which they can do using Mutual Legal Assistance Treaties (MLATs) or letters rogatory those countries may have with the United States.

ECPA permits the government to use three separate types of legal process to seek information from AnchorFree about our users.

**Search Warrant.** A search warrant is a process created by the United States Constitution that allows the government to seek a wide-range of information, including contents of communications. For AnchorFree, contents of communications would theoretically include the web addresses and contents of pages visited using AnchorFree’s products. Like a court order, a search warrant can only be issued by a judge or magistrate. To obtain a search warrant, however, the government must meet an even higher legal standard than that required to obtain a court order; specifically, the government must provide an oath or affidavit articulating specific facts that demonstrate “probable cause” that the place to be searched (generally, AnchorFree’s servers) would produce evidence of criminal activity or contraband. As noted above, AnchorFree cannot execute search warrants for information

---

\* Under ECPA, a governmental entity “means a department or agency of the United States or any State or political subdivision thereof”, e.g., a law enforcement agency. 18 USC § 2711(4).

about users based on a public-facing IP address, and therefore does not produce any information even when served with such a search warrant.

**Court Order.** ECPA allows the government to seek more information about a user *if* the government seeks a court order for such information. The government, however, cannot seek “contents” of communications using only a court order. Court orders are issued by judges or magistrates “only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that . . . the records or other information sought[] are relevant and material to an ongoing criminal investigation.” 18 USC § 2703(d). As noted above, because AnchorFree does not associate any records with public-facing IP addresses, we have not provided any information about our users to any governmental entity when served with such a court order.

**Subpoena.** A subpoena is a form of legal process that a governmental entity that has been granted authority to issue subpoenas can use to request limited types of information about AnchorFree’s users. AnchorFree most commonly receives grand jury subpoenas, although there are also other types of subpoenas. Under ECPA, a governmental entity may seek a user’s name, address, telephone number, types of service used (and for how long), and means and source of payment for any such service. As noted above, because AnchorFree does not associate this information with public-facing IP addresses, we have not provided any information about our users to any governmental entity when served with such a subpoena.

In addition to ECPA legal process described above, AnchorFree also receives other types of requests for information from governments, law enforcement agencies, and other third parties.

**Other (Govt.).** AnchorFree receives many requests for information from governments that do not fall into the above three ECPA categories. For example, we often receive requisitions, requests forms, demands, and official letters from foreign governments. As noted above, these types of processes are not recognized under U.S. law, and the foreign government would have to seek U.S. legal process using an MLAT or letter rogatory in order to lawfully request information from AnchorFree. Nevertheless, even if the foreign government was to seek lawful process using an MLAT or letter rogatory, AnchorFree would not be able to produce data about our users based on public-facing IP addresses. Additionally, AnchorFree often receives other informal types of outreach, such as phone calls and emails, where government officials either request information about a specific user, or information about what types of information we could provide about users. With these types of requests, we inform the governmental entity that, even if they provided a formal request for data, we cannot produce any information about users based on public-facing IP addresses. We keep records of all these requests and disclose them as part of our annual Transparency Report.

**Non-Government.** Non-governmental entities, such as parties engaged in civil litigation against one another, may also request information from AnchorFree about our users. Non-government requests may take the form of a formal subpoena issued in the course of litigation between two parties, or an informal demand letter sent to AnchorFree prior to (or even in the absence of) any actual civil litigation. Like requests from governmental entities, requests from non-governmental entities may request identifying information for a user

associated with a public-facing IP address. However, as is true with respect to such requests from governmental entities, because AnchorFree does not associate this information with public-facing IP addresses, we have not provided any information about our users when we receive such a request from a non-governmental entity.