



# tumblr.

**Transparency Report**

January – June 2014

## Introduction

---

In February 2014, we published our first ever transparency report, which explained how, when, and why governments requested information about our users throughout calendar year 2013, and how we responded to those requests. Our inaugural report also discussed in detail our policies regarding user notice, national security matters, and other issues that may impact your privacy rights. If this is your first visit to [tumblr.com/transparency](http://tumblr.com/transparency), you may want to check out our inaugural report for a comprehensive overview of our core principles and policies with respect to these important topics.

In this transparency report, which covers the reporting period from January to June 2014, we pick things up right where our last report left off. We provide updated data and analysis for the same topics covered in our first report, and added a new reporting category: government requests issued by each U.S. state. We're also excited to tell you about a user-friendly change we've made to our notice policy. Finally, we provide an update on national security issues.

We hope you find this transparency report useful and informative. Enjoy.

## Overview of All Requests for User Information, January to June 2014

---

From January to June 2014, we received 194 requests from state, federal, and international government agencies for account information corresponding to 233 Tumblr URLs. Below we show which government agencies issued these requests,<sup>1</sup> the nature of the requests,<sup>2</sup> and how we responded to them.

<sup>1</sup> To avoid jeopardizing ongoing investigations or public safety, we've grouped our numbers as follows:

- "Federal" includes requests from the U.S. Air Force, Department of Homeland Security, Department of Justice, Federal Bureau of Investigation, and Secret Service.
- "State" includes requests from U.S.-based state and local law enforcement authorities (e.g. New York City Police Department).
- "International" includes requests from any foreign law enforcement authorities (e.g. investigators or prosecutors in Chile, France, India).

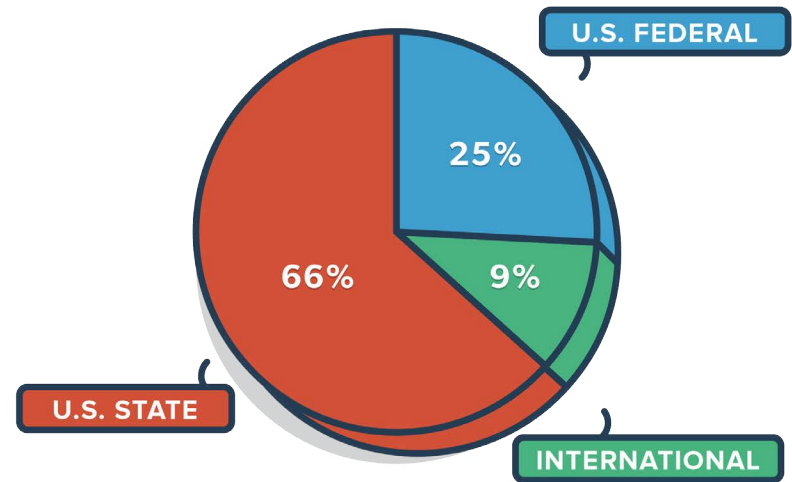
<sup>2</sup> See Appendix A for a more detailed explanation of the different types of legal process we receive from government agencies.

When reviewing the following charts, please keep in mind that:

- "Account data" includes registration email address, how long a Tumblr account has been registered, login IP address, and IP address used to make a post.
- "Blog content" includes the posts made to a blog, both public or private. Posts can be one of Tumblr's seven post types, including text, audio, images, or videos.
- In cases in which we produced blog content, we also produced account data. So the "Blog Content Produced" category is a small subset of the "Account Data Produced" category.

## All Government Requests Received, January to June 2014

From January to June 2014, we provided information, whether data or content, in response to 84% of all requests made, covering 199 blog URLs. This represents approximately 0.00010% of all blogs on Tumblr. Tumblr refused to produce anything at all in response to 16% of the requests for user information during this reporting period.

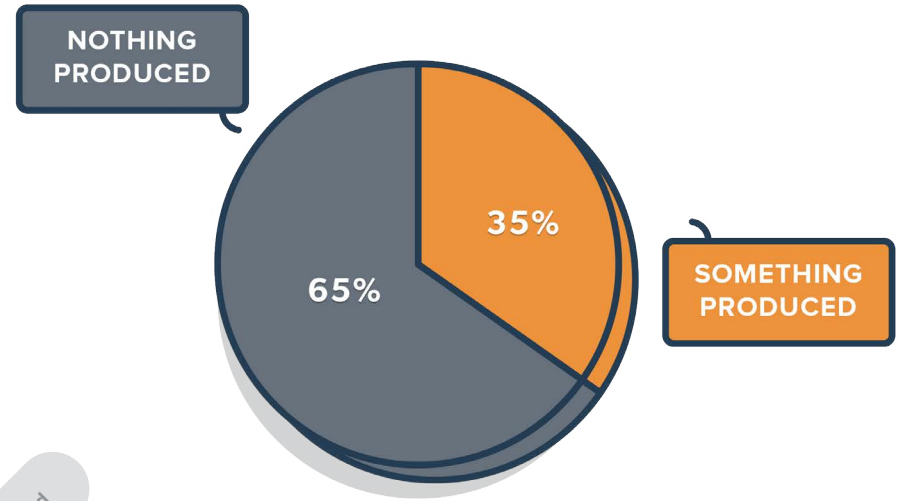


	# of Requests	# of URLs Affected	% of Total Requests	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
Federal	49	55	25%	8%	86%	YES 86% NO
State	128	163	66%	38%	90%	YES 90% NO
International	17	15	9%	0%	35%	YES 35% NO
<b>Total</b>	<b>194</b>	<b>233</b>	<b>100%</b>	<b>27%</b>	<b>84%</b>	<b>YES 84% NO</b>

# International Requests for User Information, January to June 2014

From January to June 2014, we received 17 requests for user information from nine foreign countries, covering a total of 15 blog URLs.<sup>3</sup> We produced account data in response to 35% of these requests. We never produced blog content in response to any of these requests.

<sup>3</sup> To avoid jeopardizing ongoing investigations or public safety, any countries that requested user data fewer than 3 times are reported as "< 3".



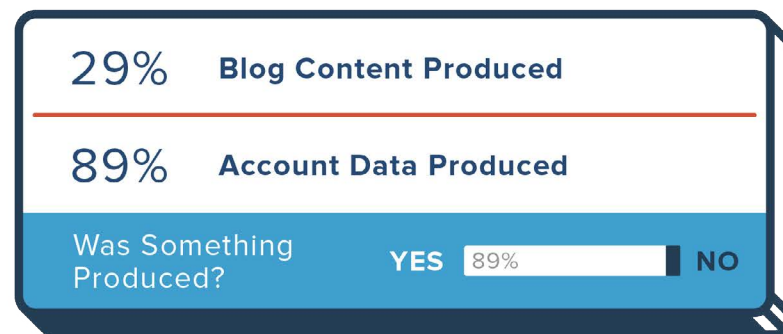
# of Requests  
 # of URLs Affected  
 % Blog Content Produced  
 % Account Data Produced

	# of Requests	# of URLs Affected	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
Australia	3	3	0%	33%	YES 33% NO
Brazil	< 3	< 3	0%	0%	NOPE
Chile	< 3	< 3	0%	0%	NOPE
France	< 3	< 3	0%	0%	NOPE
Germany	5	5	0%	60%	YES 60% NO
India	< 3	< 3	0%	0%	NOPE
Malta	< 3	< 3	0%	0%	NOPE
Singapore	< 3	< 3	0%	0%	NOPE
United Kingdom	3	< 3	0%	67%	YES 67% NO
<b>Total</b>	<b>17</b>	<b>15</b>	<b>0%</b>	<b>35%</b>	<b>YES 35% NO</b>

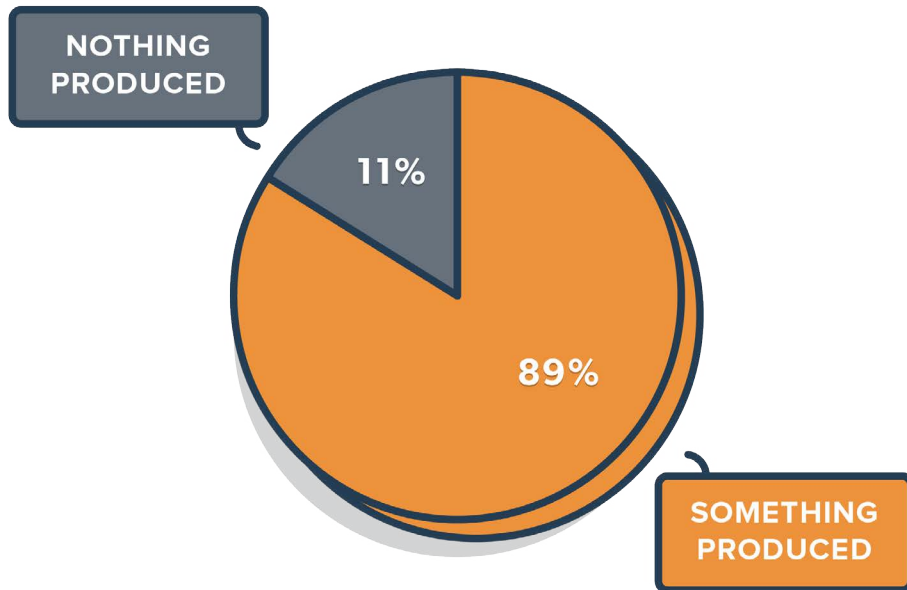
## Domestic (U.S.) Requests for User Information, January to June 2014

From January to June 2014, we received 177 requests from U.S. federal and state authorities, covering 218 blogs. We produced blog contents in response to 29% of domestic requests, account data in response to 89% of domestic requests, and nothing at all in response to 11% of domestic requests. In cases where no content or data was produced, the requests may have been withdrawn, or were defective, or we may have objected to the requests on legal grounds.

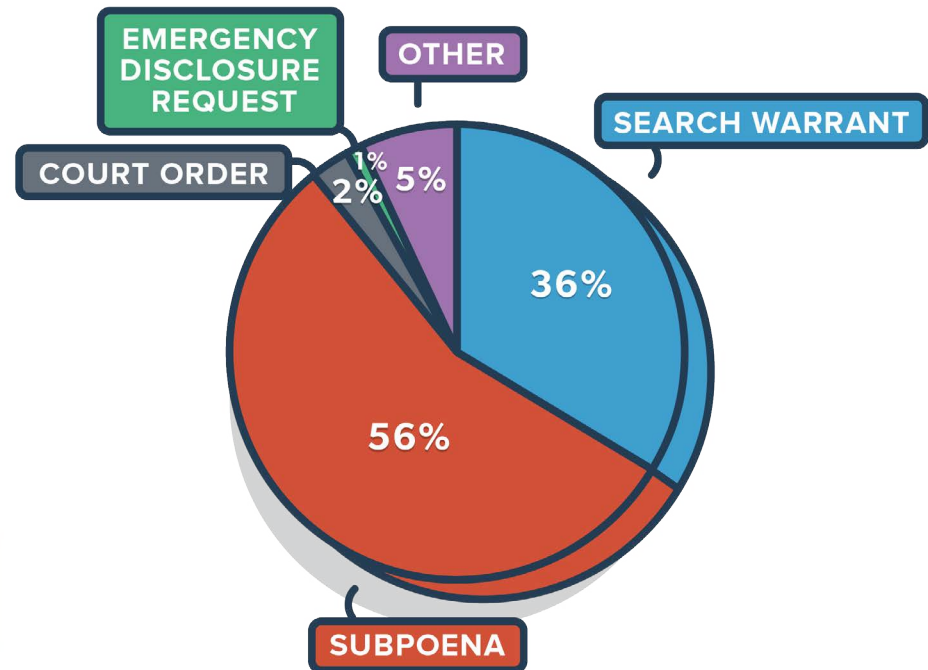
177	Requests Received
218	URLs Affected
1	Emergency Requests
64	Search Warrants
99	Subpoenas
4	Court Orders
9	Other Requests (e.g. email or fax requests)



## Response to Domestic Legal Process



## Type of Domestic Legal Process



## Domestic (U.S.) Requests for User Information – State-By-State Analysis

From January to June 2014, we received 128 requests from state law enforcement authorities, covering 163 blog URLs. To provide you with more granular information, we’re now providing a state-by-state analysis of these requests.<sup>4</sup>

<sup>4</sup> To avoid jeopardizing ongoing investigations or public safety, any states that requested user data fewer than 3 times are reported as “< 3”.

	# of Requests	# of URLs Affected	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
Alaska	< 3	< 3	100%	100%	100%
Arizona	< 3	< 3	50%	100%	100%
California	13	18	62%	100%	100%
Colorado	< 3	< 3	100%	100%	100%
Connecticut	< 3	< 3	0%	100%	100%
Delaware	< 3	< 3	50%	100%	100%
Florida	8	6	0%	63%	YES 63% NO
Georgia	3	6	33%	67%	YES 67% NO
Illinois	7	6	14%	86%	YES 86% NO
Indiana	< 3	< 3	100%	100%	100%
Iowa	< 3	< 3	0%	100%	100%
Kansas	< 3	< 3	100%	100%	100%
Louisiana	3	3	33%	100%	100%
Maine	3	3	0%	33%	YES 33% NO
Maryland	4	4	50%	75%	YES 75% NO
Massachusetts	3	4	0%	100%	100%
Michigan	3	10	100%	100%	100%
Minnesota	5	6	20%	100%	100%
Missouri	< 3	< 3	100%	100%	100%
Nevada	5	5	40%	100%	100%
New Hampshire	< 3	< 3	0%	100%	100%
New Jersey	3	3	33%	100%	100%
New York	5	5	0%	80%	YES 80% NO
North Carolina	12	22	0%	75%	YES 75% NO
Ohio	< 3	< 3	0%	100%	100%
Oregon	6	11	0%	100%	100%
Pennsylvania	3	5	67%	100%	100%
Rhode Island	< 3	< 3	100%	100%	100%
Tennessee	3	3	100%	100%	100%
Texas	12	14	42%	92%	YES 92% NO
Utah	< 3	< 3	100%	100%	100%
Vermont	< 3	< 3	100%	100%	100%
Virginia	< 3	< 3	0%	100%	100%
Washington	6	6	100%	100%	100%
Wisconsin	< 3	< 3	50%	100%	100%
<b>Total</b>	<b>128</b>	<b>163</b>	<b>38%</b>	<b>90%</b>	<b>YES 90% NO</b>



## Tumblr's User Notice Policy – Important Update

---

As we stated in our last transparency report, our policy is to notify users of any request for their account information by providing them with a notice letter and an opportunity to challenge the request in court, unless we're prohibited from doing so by a non-disclosure order.

Additionally, under our policies, we might not provide notice in emergency situations where we, in conjunction with government officials, conclude that the additional time required to provide notice prior to the production of information might lead to death or serious injury. This includes cases when a user posted a credible suicide note, and we were asked to disclose data to help officials locate the user and provide him or her with immediate medical help.

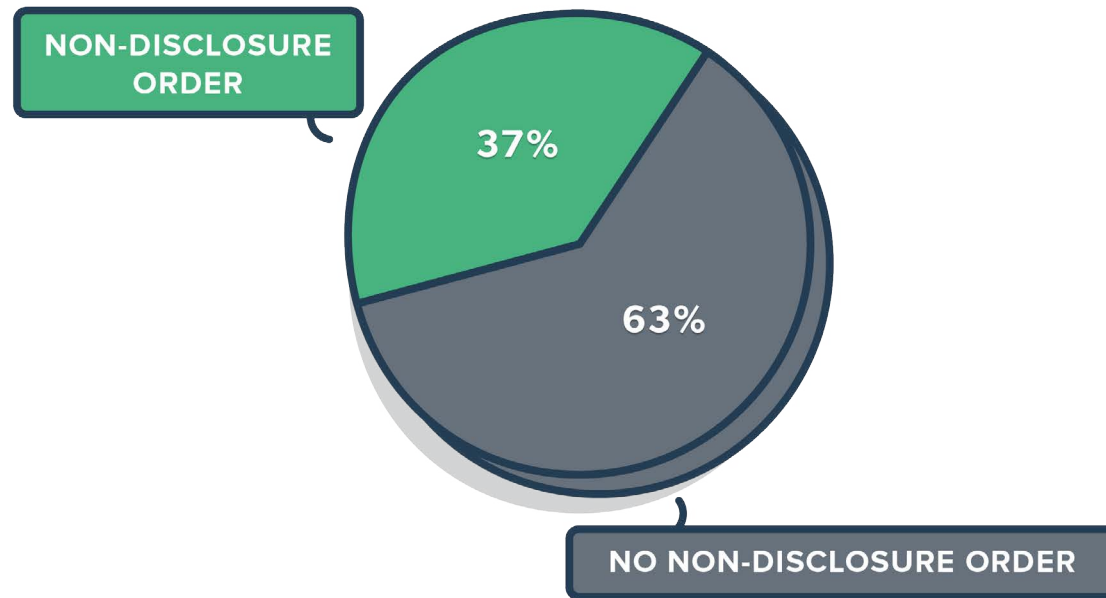
Finally, until recently, our policy was to not provide notice in cases that present a serious threat to public safety, such as

impending violent crimes or harm to minors. In such cases, we did not provide notice to users, because we believed the interest in protecting the public outweighed the interest in providing notice.

**New Policy:** After carefully evaluating our policies, we have now started providing user notice in all cases, including those cases that present a serious threat to public safety. In the public safety cases, however, we provide our users with delayed notice, meaning we notify them of the request 90+ days after we receive it. We think delayed notice provides a better balance of public safety and user rights, as it allows law enforcement a reasonable period of time to further their investigation in the interest of public safety, but also informs the user that their account has been targeted.

## Non-Disclosure Orders

Between January and June 2014, 37% of account information requests were accompanied by non-disclosure orders, meaning that a court legally prohibited us from notifying our users about the request.



## User Notice by Category of Investigation

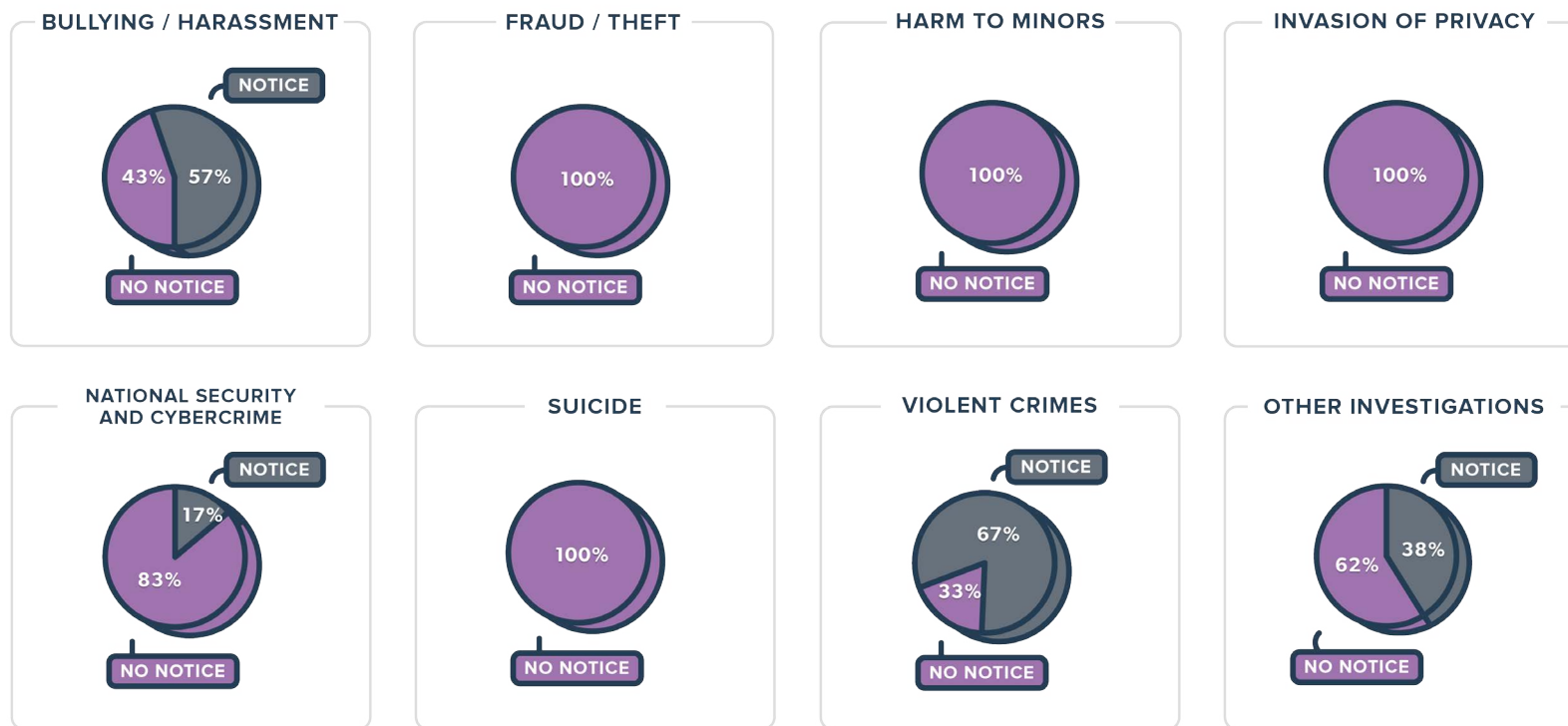
Below is our track record on providing prior user notice in cases in which we complied, at least in part, with requests for user information, organized by category of investigation.<sup>5</sup>

Note that under our updated policies, all users are now notified of government data requests. What these charts represent is our record on providing user notice prior to disclosing account data.

<sup>5</sup> "Other investigations" includes all requests in which the nature of the underlying criminal investigation was not clear based on the request.

If users were not notified prior to account data disclosure, it was for at least one of the following reasons:

- The request was combined with a binding non-disclosure order;
- Notice was not practicable due to the threat of death or serious injury; or
- The case presented a serious threat to public safety.



## National Security Issues

---

Since our last transparency report, there have been numerous additional disclosures regarding the surveillance activities of the NSA and other intelligence agencies, and we continue to support efforts to increase transparency in the national security sphere.

We would also be remiss if we didn't mention that on June 27, 2014, the NSA issued its first transparency report on their Tumblr blog, [IC on the Record](#).

As for whether we've received national security requests targeting our users, such as [National Security Letters](#) (FBI-issued requests for subscriber information), or [Foreign Intelligence Surveillance Act](#) ("FISA") orders (orders issued in classified court proceedings, requiring companies to provide user information in national security investigations), as of the date of publication of this report, we have never received a National Security Letter, FISA order, or any other classified request for user information.

## Possible Emerging Trends

---

Here are a few interesting trends we noticed when comparing our numbers from this period, January to June 2014, to those from our last reporting period, January to December 2013.

- We saw a proportional decrease in overall requests: 194 for this 6-month period, compared to 462 requests for the prior 12-month period.
- We received proportionately fewer requests from foreign law enforcement agencies: 9% of all requests for this period, compared to 12% for the prior period.
- We received proportionately fewer facially defective domestic law enforcement requests (e.g. not supported by any legal process): 5% of all requests for this period, compared to 7% for the prior period.
- In part due to decreases in foreign requests and defective domestic requests, we were required to provide account data in response to 84% of all requests for this period, compared to 76% for the prior period.
- On the user notice front, 37% of all requests for this period were combined with a non-disclosure order, compared to 29% for the prior period.

While we leave it to the statistical wizards and policy wonks to draw (or not draw) broader conclusions from this data, and we emphasize that our sampling numbers are very small, we still thought these trends were worth highlighting.

We hope you found this report interesting and informative, and we hope you'll check back in with us in early 2015, when we intend to publish our next transparency report.

## Appendix A – Types of Legal Process

---

**Subpoenas.** Subpoenas are the most common requests we receive. They generally don't require a judge's review. Under U.S. law, we may disclose limited account data in response to a lawful subpoena. Account data includes registration email address, how long a Tumblr account has been registered, and login IP addresses. Account data does not include the posts made to a blog, whether public or private. Because Tumblr doesn't collect real names or addresses, we don't (and can't) provide this information in response to a subpoena.

**Court orders.** Court orders for user data may be issued under various U.S. federal and state laws, such as section 2703(d) of the Electronic Communications Privacy Act, a federal privacy law. Court orders are issued by judges and are generally harder to obtain than subpoenas. If we receive a lawful 2703(d) order, we may disclose the same account data described above with respect to subpoenas, plus an additional category of account data: the IP address used to post a particular piece of content.

**Search warrants.** Search warrants may be issued if a reviewing judge or magistrate concludes that there is "probable cause" to believe that a particular account may contain information related to a crime. Search warrants are generally harder to obtain than 2703(d) orders or subpoenas. Under U.S. law, we may disclose the same account data described above, as well as blog content, in response to a lawful search warrant. Blog content includes the posts made to a blog, both public or private. Posts can be one of Tumblr's seven post types, including text, audio, images, or videos.