

tumblr.

**Government
Transparency Report**

July — Dec 2016

Introduction

Welcome to our July--December 2016 government transparency report.

Tumblr is dedicated to realizing the most radical, founding principles of Internet culture: individuality, freedom of expression, and human connection. Fundamental to all of that is trust and transparency between ourselves and our users.

This semi-annual report is one of the ways we reaffirm that trust.

As with previous editions, this is a record of the instances in which government agencies—local, federal, and international—have requested information about our users, and how we've accommodated or denied those requests. Generally, these requests are made pursuant to a criminal investigation, but also could include any requests from a

government agency in a civil matter. To help explain the process, we've included some anonymized examples of actual government requests we've received.

You can find previous editions of our transparency reports at tumblr.com/transparency. For ease of comparison, the categories used and the format in which they are displayed have remained the same.

Tumblr remains committed to being a good steward of the content our users produce, and of the account information with which they provide us. We hope you find this report informative, useful, enlightening—and reassuring. Balancing freedom of speech against our legal responsibilities is a challenge we take seriously, and an effort we're proud of.

Once again, on to the numbers. Enjoy.

Overview of All Requests for User Information, July to December 2016

From July to December 2016, we received 258 requests from U.S. state/territory, federal, and international government agencies for account information associated with 317 Tumblr URLs. Below we highlight which government agencies issued these requests,¹ the nature of the requests,² and how we responded to them.

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

"Federal" includes requests from the Federal Bureau of Investigation, Department of Homeland Security, Department of Justice, Department of the Air Force and Secret Service.

"State" includes requests from U.S.-based state and local law enforcement authorities (e.g. the New York City Police Department).

"International" includes requests from any foreign law enforcement authorities.

² See Appendix A for a more detailed explanation of the different types of legal processes that government agencies use to request user data.

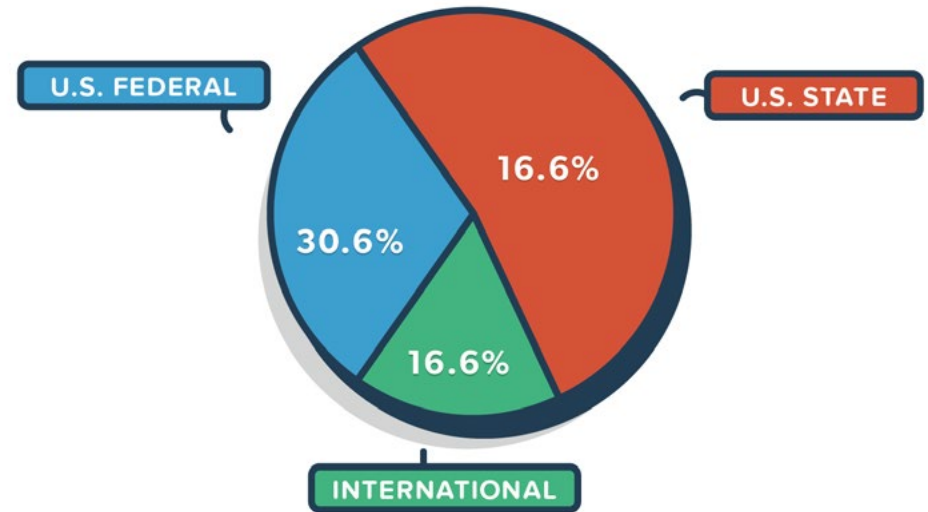
When reviewing the following charts, keep in mind that:

- "Account data" includes the registration email address, how long the Tumblr account has been registered, the IP addresses used when logging in, and the IP addresses used when posting.
- "Blog content" refers to the media and caption of public or private posts, as well as any messages sent between users.
- In cases when 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.

Government Requests Received, July to December 2016

From July to December 2016, we received 258 requests for information, and we provided either account data or blog content in response to 80% of them. The 317 blogs affected constitute approximately 0.00009% of all the blogs on Tumblr.

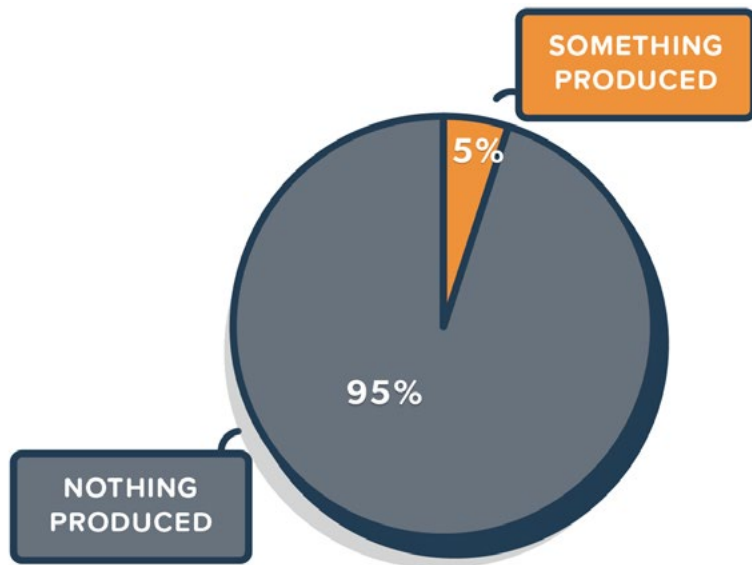
Tumblr refused to produce anything at all in response to 20% of the requests for user information during this reporting period.



| | # of Requests | # of URLs Affected | % of Total Requests | % Blog Content Produced | % Account Data Produced | Was Something Produced? (%) |
|---------------|---------------|--------------------|---------------------|-------------------------|-------------------------|-----------------------------|
| Federal | 79 | 94 | 30.60% | 7% | 94% | YES 94% NO |
| State | 136 | 166 | 52.80% | 46% | 96% | YES 96% NO |
| International | 43 | 57 | 16.60% | 0% | 5% | YES 5% NO |
| Total | 258 | 317 | 100% | 26% | 80% | YES 80% NO |

International Requests for User Information, July to December 2016

From July to December 2016, we received 43 requests for user information from 15 foreign countries. 57 blog URLs were affected. We produced account data in response to 5% of these requests. We did not produce blog content in response to any foreign requests.



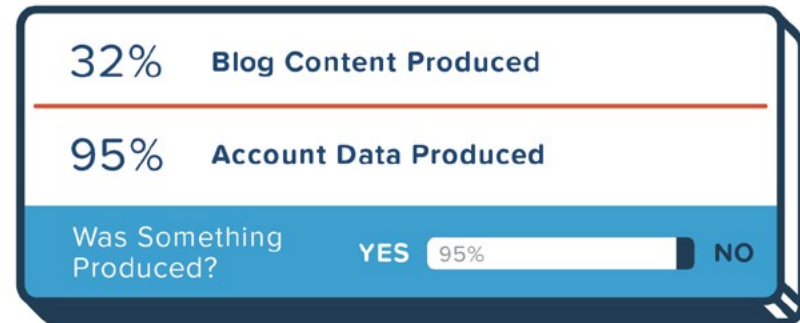
| | # of Requests | # of URLs Affected | % Blog Content Produced | % Account Data Produced | Was Something Produced? (%) |
|----------------|---------------|--------------------|-------------------------|-------------------------|-----------------------------|
| Australia | 1 | 1 | 0% | 0% | NOPE |
| Belgium | 1 | 1 | 0% | 100% | 100% |
| Canada | 2 | 1 | 0% | 50% | YES 50% NO |
| Chile | 3 | 3 | 0% | 0% | NOPE |
| Costa Rica | 1 | 1 | 0% | 0% | YES 50% NO |
| Germany | 7 | 15 | 0% | 0% | NOPE |
| Hong Kong | 1 | 2 | 0% | 0% | NOPE |
| India | 3 | 9 | 0% | 0% | NOPE |
| Ireland | 1 | 1 | 0% | 0% | NOPE |
| Israel | 1 | 1 | 0% | 0% | NOPE |
| Italy | 1 | 1 | 0% | 0% | NOPE |
| Maldives | 5 | 5 | 0% | 0% | NOPE |
| Singapore | 7 | 9 | 0% | 0% | NOPE |
| South Korea | 2 | 0 | 0% | 0% | NOPE |
| United Kingdom | 7 | 7 | 0% | 0% | NOPE |
| TOTAL | 43 | 57 | 0% | 5% | YES 5% NO |

Domestic (U.S.) Requests for User Information, July to December 2016

From July to December 2016, we received 215 requests for information from U.S. federal and state/territory authorities, regarding 260 different blogs. We produced blog content in response to 32% of domestic requests, account data in response to 95% of domestic requests, and nothing at all in response to 5% 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.

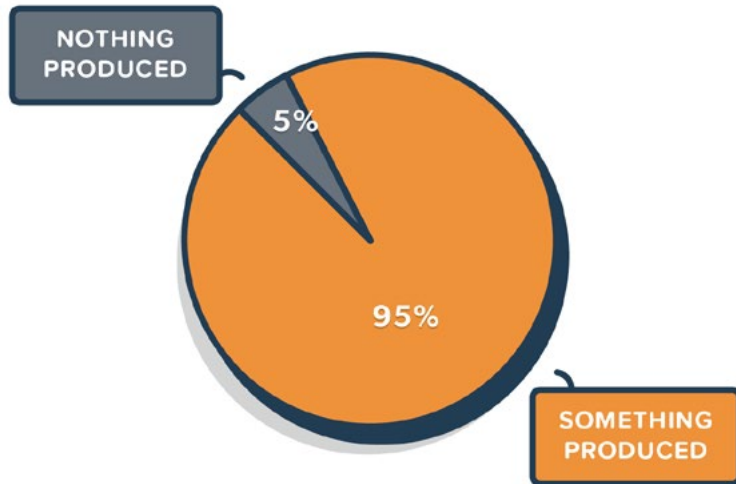
| | |
|-----|--|
| 215 | Requests Received |
| 260 | URLs Affected |
| 11 | Emergency Requests |
| 72 | Search Warrants |
| 123 | Subpoenas |
| 9 | Court Orders |
| 0 | Other Requests (e.g. email or fax requests) |

Additionally, we received between 0 and 249 national security requests in this time period, which affected between 0 and 249 URLs. U.S. law includes a highly restrictive framework for reporting this category of requests, and so we are limited to reporting in the aggregate and in bands of 250. We will continue to report as much information as we are legally allowed and include additional details if and when we can.

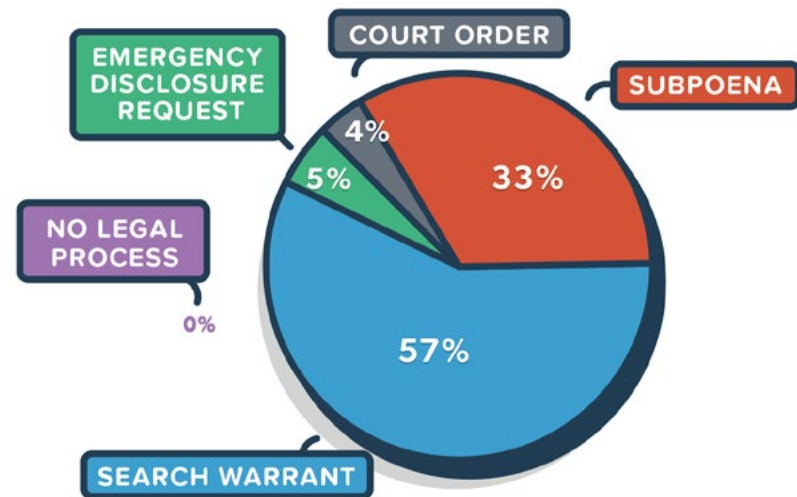


3. "National security requests" includes National Security Letters and FISA court orders.

Response to Domestic Legal Process



Type of Domestic Legal Process



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

From July to December 2016, we received 136 requests from state/territory law enforcement authorities, covering 166 blogs. We produced blog content in response to 46% of domestic state/territory requests, account data in response to 96% of domestic state/territory requests, and nothing at all in response to 4% of domestic state/territory requests.

| | # of Requests | # of URLs Affected | % Blog Content Produced | % Account Data Produced | Was Something Produced? (%) |
|----------------|---------------|--------------------|-------------------------|-------------------------|-----------------------------|
| Alabama | 3 | 3 | 33% | 100% | 100% |
| Arizona | 4 | 4 | 50% | 100% | 100% |
| California | 18 | 20 | 72% | 94% | YES 94% |
| Delaware | 1 | 1 | 100% | 100% | 100% |
| Florida | 12 | 11 | 83% | 83% | YES 83% |
| Georgia | 2 | 2 | 50% | 100% | 100% |
| Idaho | 1 | 1 | 0% | 100% | 100% |
| Illinois | 4 | 5 | 0% | 100% | 100% |
| Indiana | 2 | 2 | 50% | 100% | 100% |
| Iowa | 1 | 1 | 100% | 100% | 100% |
| Kentucky | 1 | 1 | 0% | 100% | 100% |
| Maryland | 4 | 5 | 0% | 100% | 100% |
| Massachusetts | 3 | 7 | 100% | 100% | 100% |
| Michigan | 3 | 3 | 100% | 100% | 100% |
| Minnesota | 6 | 6 | 33% | 100% | 100% |
| Missouri | 4 | 4 | 50% | 100% | 100% |
| Montana | 1 | 1 | 100% | 100% | 100% |
| Nebraska | 3 | 3 | 67% | 67% | YES 67% |
| Nevada | 2 | 3 | 50% | 100% | 100% |
| New Jersey | 5 | 9 | 40% | 100% | 100% |
| New York | 8 | 8 | 13% | 88% | YES 88% |
| North Carolina | 3 | 4 | 33% | 100% | 100% |
| Ohio | 1 | 1 | 0% | 100% | 100% |
| Oklahoma | 2 | 2 | 100% | 100% | 100% |
| Pennsylvania | 4 | 6 | 0% | 100% | 100% |
| Puerto Rico | 1 | 1 | 0% | 100% | 100% |
| Rhode Island | 1 | 1 | 100% | 100% | 100% |
| South Carolina | 2 | 3 | 100% | 100% | 100% |
| South Dakota | 1 | 1 | 100% | 100% | 100% |
| Tennessee | 4 | 4 | 50% | 100% | 100% |
| Texas | 9 | 8 | 56% | 89% | YES 89% |
| Utah | 2 | 2 | 50% | 100% | 100% |
| Virginia | 4 | 5 | 50% | 100% | 100% |
| Washington | 5 | 5 | 100% | 100% | 100% |
| Wisconsin | 2 | 2 | 0% | 100% | 100% |
| Wyoming | 7 | 21 | 29% | 86% | YES 86% |
| TOTAL | 136 | 166 | 26% | 80% | YES 80% |

Tumblr's User Notice Policy

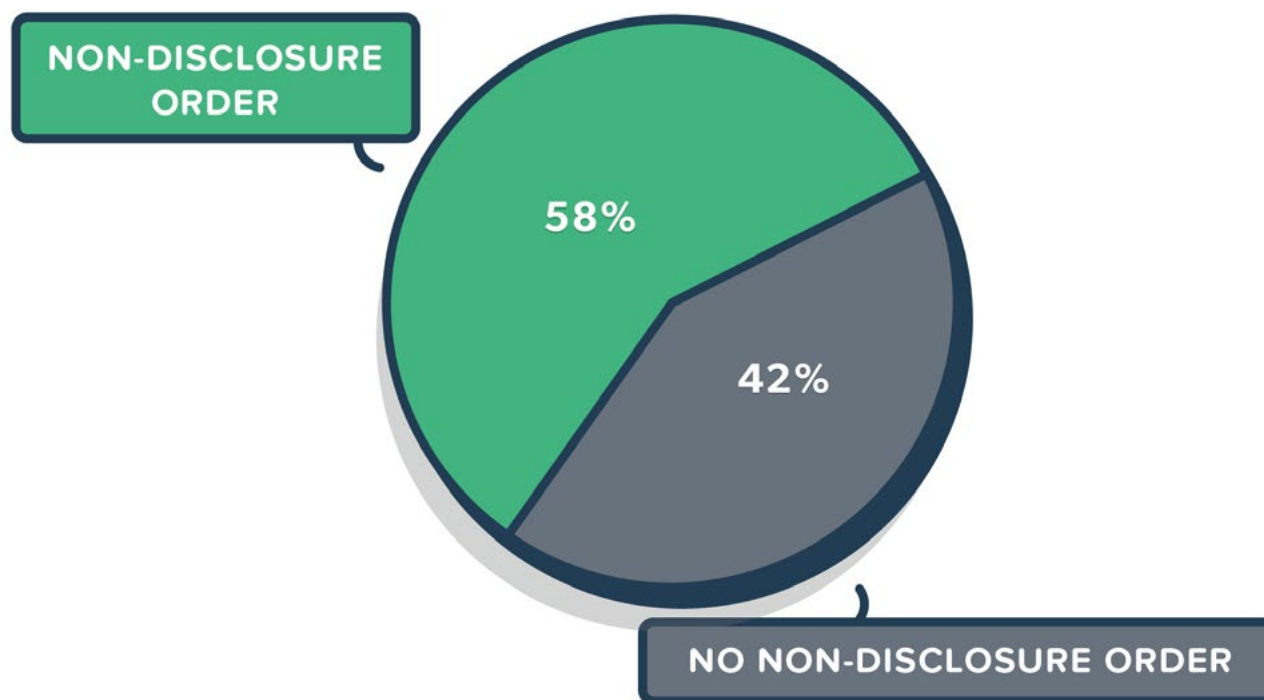
Our standard policy, as noted in previous transparency reports, is to notify users of any requests for their account information prior to disclosing it to the requesting agency. We do so in order to give the user an opportunity to challenge the request in court.

There are a handful of circumstances, however, when we delay any notice. Specifically:

- When we're prohibited from doing so by a non-disclosure order.
- When we conclude, in conjunction with government officials, that the time required to provide notice might result in death or injury. For instance, if officials asked for data that would help locate a user in need of immediate medical assistance.
- When presented with material indicating a serious threat to public safety, such as an imminent violent crime or harm to a minor. In such an event, we may delay notifying the user by 90 or more days to give law enforcement reasonable time for their investigation. We will notify the user that their account has been targeted once it becomes appropriate to do so.

Non-Disclosure Orders

From July to December 2016, 58% 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

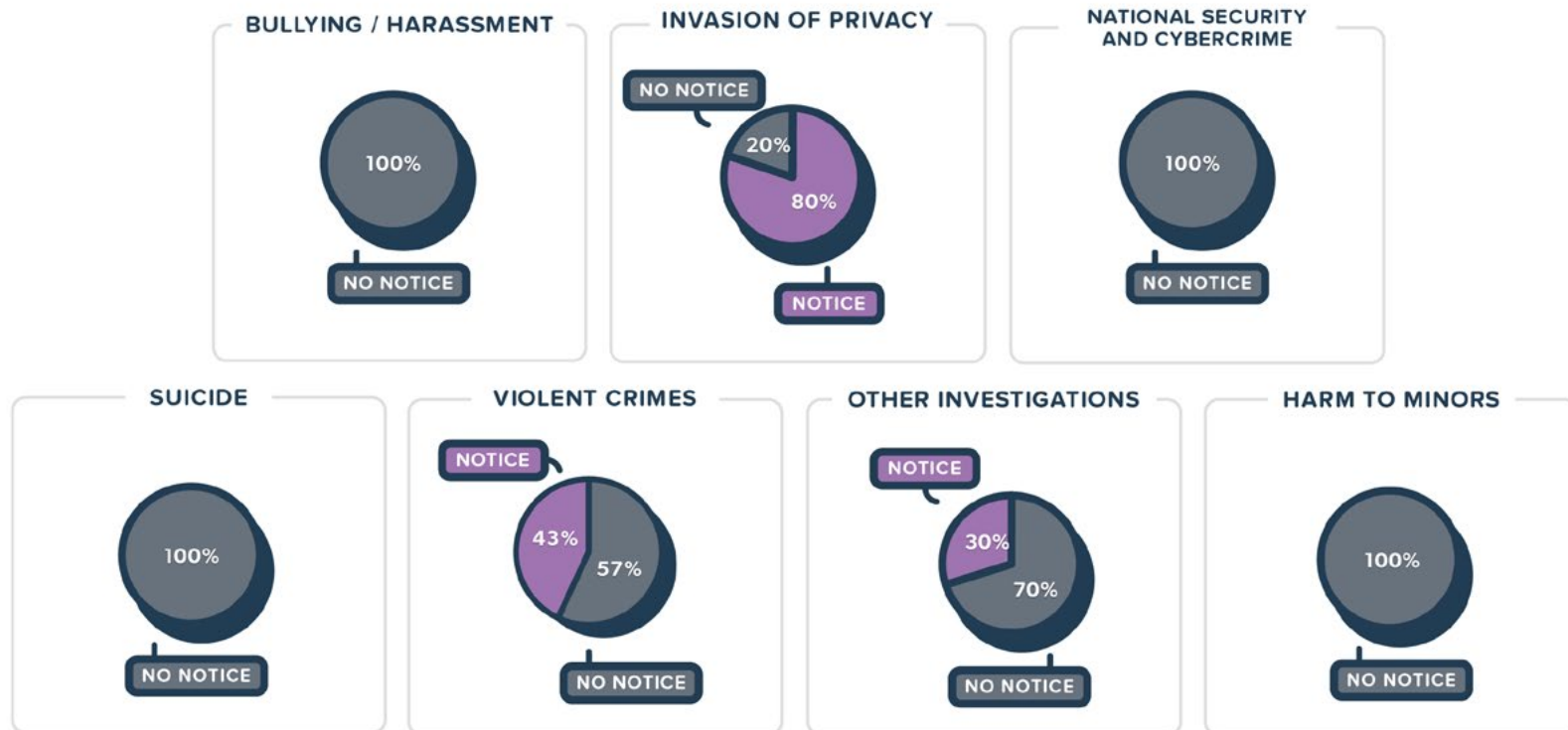
Below is our track record on providing prior user notice in those cases when we complied, at least in part, with requests for user information,⁴ organized by category of investigation.⁵

⁴ Note that in some cases, we provide user notice after having complied with a government data request.

⁵ "Other Investigations" includes all requests in which the nature of the underlying criminal investigation was not clear based on the request.

As mentioned above, if users were not notified prior to the disclosure of their account data, 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.



Government Takedown Requests

From July to December 2016, we received 96 requests for content removal from 12 different countries. 182 blogs were affected. We removed content in 30% of the requests.

Tumblr is a U.S. company and complies with U.S. laws. In instances where foreign governments make takedown requests, we only process them when the content in question violates our Community Guidelines or Terms of Service. Additionally, in an effort to be as transparent as possible, these numbers include all requests coming from an official government office, to the extent that we are able to identify that the request came from a governmental authority, including informal requests made through our abuse forms.

| | # of Requests | # of URLs Affected | Was Content Removed? (%) |
|----------------|---------------|--------------------|--------------------------|
| Australia | 1 | 1 | NOPE |
| Canada | 1 | 1 | 100% |
| Costa Rica | 1 | 4 | 100% |
| Germany | 2 | 10 | NOPE |
| Japan | 1 | 2 | 100% |
| Korea | 1 | 1 | 100% |
| New Zealand | 1 | 5 | 100% |
| Russia | 3 | 3 | YES 33% NO |
| Singapore | 3 | 3 | 100% |
| Turkey | 75 | 144 | YES 16% NO |
| United Kingdom | 2 | 2 | 100% |
| United States | 5 | 6 | 100% |
| TOTAL | 96 | 182 | YES 30% NO |

Examples of Government Takedown Requests

In an effort to further illustrate the type of requests that we see at Tumblr, and provide even more transparency around these topics, we wanted to provide a few anonymized examples of requests that we received this reporting period.

From Germany: We received one request from the German government to remove content related to a case of harassment. We rejected the request as the content did not violate Tumblr's Community Guidelines.

From the United Kingdom: We received one request from law enforcement in the UK, on behalf of the victim, requesting that images of non-consensual pornography be removed. This content violated Tumblr's Community Guidelines, so we removed it.

From the United States: We received one request from local law enforcement in Arkansas, on behalf of the victim, requesting that content related to a case of harassment and impersonation be removed. This content violated Tumblr's Community Guidelines, so we removed it.

Possible Emerging Trends

Since we started semi-annual reporting in 2014, the number of requests for user has trended upwards with an average increase of 6.5% per reporting period. The total number of requests in a six month period has fluctuated from 190 at the lowest, to 274 at the highest—this year’s 258 requests is 17% above the three year average.

Conversely, the number of URLs affected has declined by an average of -8.75% per reporting period.* That said, the 317 URLs affected this year is 12% above the three year average.

Another interesting trend is the method by which law enforcement agencies have requested information for blog or account information. Subpoenas and warrants together represent ~93% of all requests for user information. However, over the last two years, the number of subpoenas has decreased by 57% while the number of warrants has increased 55%.

The change in tactics has not materially affected the rate at which Tumblr responds with blog or account information. In fact, our response rates are trending down at a rate of -2.5% and -1.18% respectively, per reporting period.

Keep in mind that our sampling numbers are small, so take these observations with a grain of salt. If you want to dig into the numbers yourself, we encourage you to—and we’d add that Tumblr is the perfect place to publish your findings.

And there you have it: another fine transparency report. We hope you found it as interesting and informative as our lawyers did.

* This calculation ignores June-December 2015. During this period Tumblr received a single request that was 13x larger than any other year, which distorts the long-term trend.

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 posts made to a blog, whether public or private. Because Tumblr does not 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, plus an additional category of account data: the IP address used to make a particular post.

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 and private. Posts can be any of Tumblr's seven post types, and comprise both the media and the caption of any given post.