

KwiKom Communication's Subpoena Compliance, Data Request Policy & Exigent Circumstances Guidelines

1. **Privacy Notice.** Please see KwiKom's [Privacy Notice](#) for further information on what type of information KwiKom collects, how it is used, and when it may be disclosed. Subject to KwiKom's Privacy Notice, this Data Request Policy describes the types of requests for data that Kwikom may receive and how KwiKom may respond to such request.

2. **Legal Response Guidelines.** KwiKom's Law Enforcement Support Center assist law enforcement agencies in their investigations while protecting subscriber privacy as required by law and applicable privacy policies. Depending on the circumstances, the primary federal statutes to which KwiKom must consider when releasing subscriber information are: 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); the Communications Assistance for Law Enforcement Act (47 U.S.C. §§ 1001-1010); the Telecommunications Act of 1996 (particularly, 47 U.S.C. § 222 pertaining to customer proprietary network information or CPNI) and the Stored Communications Act ("SCA"), 18 U.S.C Sections 2701-2712.

3. **Types of Requests.** KwiKom receives and responds to the following types of requests concerning subscriber data:

a. **Data Requests.** A data request is a request for information or documents relating to Subscriber accounts in connection with official criminal investigations or other official legal proceedings. Except in limited emergency situations (see below), KwiKom requires data requests to be made through formal U.S. legal process and procedures, and KwiKom will respond to such requests as required by law. Examples of data requests include:

- i. Subpoenas
- ii. Court Orders
- iii. Search Warrants
- iv. Legal process received from outside the United States may require a Mutual Legal Assistance Treaty (MLAT) with the United States
- v. Other forms of legal process such as Civil Investigative Demands

b. **Preservation Requests.** A preservation request asks KwiKom to preserve Subscriber account records in connection with official criminal investigations or other official proceedings. Preservation requests must include the following information:

- i. Identification of the account(s) at issue (as further described in Section 4 below);
- ii. Identification of the investigating agency and/or specific pending official proceedings (requests must be signed on law enforcement letterhead);
- iii. Assurances that the requesting agency or individual is taking steps to obtain appropriate legal process for access to the data that KwiKom is being asked to retain and

iv. A valid return email address and phone number.

c. **Emergency Requests.** An emergency request is only appropriate in cases involving imminent harm to a child, risk of death, or serious bodily harm or death requiring an immediate response. In such case, we respond in a manner commiserate with the nature of the emergency and when we believe in good faith that such harm may occur if we do not respond without delay.

4. **Notice to Kwikom Subscribers.** Kwikom policy is to notify its Subscribers of requests for their data unless Kwikom is prohibited from doing so by statute or court order.

5. **Information to Include in a Request.** The following information must be included in a request for Subscriber data:

a. First and last name of the customer and email address associated with the account; and

b. Domain name and/or IP address associated with the account.

Kwikom may not be able to respond to a request without this information.

Additionally, Kwikom reserves the right to request a copy of the complaint and any supporting documentation that demonstrates how the information requested is related to the pending litigation and the underlying subpoena.

6. **Sending a Request to Kwikom.** Kwikom is located in Kansas and all Requests should be sent to that location or mailed or faxed to:

Kwikom Communications
Attn: Legal Request
800 W. Miller Road
Iola, Kansas 66749

Phone: (620) 380-0007
Fax: (620) 380-0010
Email: legal@kwikom.com.

IMPORTANT NOTE: IN THE EVENT YOU SEND US A NOTICE OF ANY KIND VIA EMAIL AND DO NOT RECEIVE A RESPONSE FROM US, PLEASE SUBMIT A DUPLICATE COPY VIA PAPER AND/OR FAX (FAX # (620) 380-0010). DUE TO THE VAGARIES OF THE INTERNET AND EMAIL COMMUNICATION IN PARTICULAR, INCLUDING WITHOUT LIMITATION THE BURDENS OF SPAM AND THE OCCASIONAL UNINTENDED EFFECTS OF SPAM FILTERS, SENDING AN ALTERNATE FORM OF NOTICE, WILL HELP ASSURE THAT YOUR NOTICE IS RECEIVED BY US AND ACTED ON IN A TIMELY MANNER.

7. **Fees.** Kwikom may seek reimbursement for costs in responding to requests as provided by law and may charge additional fees for costs in responding to unusual or burdensome requests.

8. **Available Information.** Depending on the type of formal legal process provided, Kwikom may be able to respond with one or more of the following types of data:

a. **Non-Content.** KwiKom will produce non-content information such as basic Subscriber information which may include the following subject to a valid request.

- i. Name
- ii. Email address
- iii. Date and time of account creation
- iv. Billing information
- v. IP Logs

b. **Content.** KwiKom will only produce Subscriber content (such as websites files and email content) pursuant to a valid search warrant from an entity with proper jurisdiction.