

09/01/20

Federal Bureau of Investigation

New York, NY 10278

**Re: Grand Jury Subpoena dated August 26, 2020 (Google Ref. No. 3971083)
2018R01618; 20 MAG 9134**

Dear [REDACTED]:

Pursuant to the Grand Jury Subpoena issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

Accompanying this letter is responsive information to the extent reasonably accessible from our system associated with the Google account(s) [REDACTED] that used as Google account sign-in(s) [REDACTED] as specified in the Grand Jury Subpoena. We have also included a signed Certificate of Authenticity which includes a list of hash values that correspond to each file contained in the production. Google may not retain a copy of this production but does endeavor to keep a list of the files and their respective hash values. To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

Google objects and has not produced records associated with Google accounts for which you have not expressly provided an account identifier or which derive from records or other information of the subject account(s) that you seek to have Google search. Because this exceeds the scope of 18 U.S.C. § 2703(c)(2), Google requires a court order pursuant to 18 U.S.C. § 2703(d) based on specific and articulable facts showing that the accounts linked by secondary email address are relevant and material to your investigation for the duration of the time period requested. Moreover, bulk requests for information about a large number of unidentified or unspecified Google users is both burdensome to Google and may implicate the First Amendment or other rights of Google users. See *In re Grand Jury Subpoena to Amazon.com Dated August 7, 2006*, 246 F.R.D. 570, 573 (D. Wis. 2007) (applying First Amendment analysis to grand jury subpoena for bulk Amazon customer data). To the extent you seek information about additional Google accounts, Google can comply with legal process that expressly contains an account identifier for each of those accounts that you determine are relevant to your investigation.

The identifier(s), [REDACTED], you provided is not unique and cannot be associated to a specific subscriber's account. Therefore, we do not have documents responsive to your request for this identifier.



After a diligent search and reasonable inquiry, we have found no records for any Google account-holder(s) identified as [REDACTED]. Therefore, we do not have documents responsive to your request.

Please note that a subpoena is not sufficient process to compel production of the account status associated with the specified account. The scope of information available pursuant to a subpoena is limited to the items specified in section 2703(c)(2) of the Electronic Communications Privacy Act ("ECPA"). 18 U.S.C. §2701 et seq. A court order issued under section 2703(d) or a search warrant is required to compel production of other "record[s] or other information" such as the account status of a specified account. 18 U.S.C.2703(c)(1).

Please note that Google Pay service data is under the control of Google Payment Corporation. Any request for such data must be specifically addressed to Google Payment Corporation and can be served through the email address [REDACTED].

For a Google Custodian of Records, we will require a subpoena and confirmation from you of the time and date of the appearance, the scope of testimony, any Google Reference Number(s) associated with the case, and the travel for the appearance at least one week in advance in order to identify, make the appropriate plans for, and prepare a custodian for trial.

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google may request reimbursement for reasonable costs incurred in processing your request.

Regards,

Albert Sanchez
Google Legal Investigations Support

CERTIFICATE OF AUTHENTICITY

I hereby certify:

1. I am authorized to submit this affidavit on behalf of Google LLC ("Google"), located in Mountain View, California. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.
2. I am qualified to authenticate the records because I am familiar with how the records were created, managed, stored and retrieved.
3. Google provides Internet-based services.
4. Attached is a true and correct copy of records pertaining to the Google account(s) [REDACTED], that used as Google account sign-in(s) [REDACTED], with Google Ref. No. 3971083 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file produced in response to the Grand Jury Subpoena.
5. The Document is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.
6. The Document is a true duplicate of original records that were generated by Google's electronic process or system that produces an accurate result. The accuracy of Google's electronic process and system is regularly verified by Google.
7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

____/s/ Albert Sanchez _____
(Signature of Records Custodian)

Date: 09/01/20

Albert Sanchez
(Name of Records Custodian)

Attachment A: Hash Values for Production Files (Google Ref. No. 3971083)

[REDACTED] GoogleAccount.SubscriberInfo_001.zip:

MD5- c1bad631b1bdf99736a322fa123bb39a

SHA512-

0503ebc3065955adb3a33d9e72e1a9a8a669f394389e42d805ebccde97d07d525084fee85d83f3320
73fce9f14540eb1217bde0edfc6d95335b972a728c9938d