

Lumen Technologies, Inc.
U.S. Transparency Report
January 1, 2021 – June 30, 2021

Lumen Technologies, Inc., a global company dedicated to furthering human progress through technology, is committed to protecting the security and privacy of our customers. Lumen makes this semi-annual U.S. Transparency Report data available to the public to demonstrate to interested parties that Lumen is committed to safeguarding our customers’ privacy to the best of our ability while also meeting the legitimate legal needs of the U.S. government and national security. The table below provides statistics on the types and numbers of U.S. government legal demands for customer information received during the first half of 2021. Lumen’s Transparency Report includes legal demands for customer data regarding our wireline and internet services. While Lumen does receive government demands regarding civil matters, this report focuses on requests from law enforcement in criminal matters or investigations. Lumen will publish its Transparency Report on a semi-annual basis.

U.S. Criminal Demands: January 1, 2021 - June 30, 2021	
Subpoenas	3304
Court Orders/Warrants	
Pen Register/Trap & Trace	12
Wiretaps	3
Content Warrants	0
Non-Content Warrants	724
U.S. Emergency Requests: January 1, 2021 - June 30, 2021	149
U.S. National Security Letters & FISA Orders: January 1, 2021- June 30, 2021	
Combined Number of Requests	0-249

Types of Demands Received – Lumen receives several types of legal demands asking for customer information from federal, state, and local government agencies in the U.S. Information can be requested for several reasons, including criminal investigations into unlawful activity that involve the use of the internet or telephone; customers investigating fraudulent activity; suspected domestic or foreign activities threatening our national security; and surveillance of suspected criminal activity. These legal demands include court orders, search warrants, pen register/trap & trace orders, wiretap orders, subpoenas, National Security Letters (NSLs), and demands made under the Foreign Intelligence Surveillance Act (“FISA”).

Lumen Processes to Respond Legal Demands – Lumen is under a legal duty to respond to lawful demands from government agencies. Because Lumen is also concerned with protecting the privacy of our customers, we take great care in reviewing each legal demand for data before providing a response to the requesting agency. We have a team that carefully reviews each demand for legality, accuracy, scope, and validity, including whether the demand is

appropriately limited to obtain the information necessary to meet the government agency's need. If our team determines that a demand is legally invalid, overly broad, inappropriate or seeks information outside the limitations of the type of demand, we will reject the legal demand or ask for further clarification. There are also instances where we cannot produce the data even when we have received a valid request. For example, we may receive a demand for data that we do not possess, did not receive or collect, or no longer maintain due to data retention limitations. Lumen works closely with government agencies on these matters and has developed good relationships that aid in this process.

Counting Requests – Lumen counts legal demands received from local, state, and federal agencies within the reporting period in which they were received. Based on the requirements of federal law, we report National Security Letter demands combined with FISA orders in bands of 0-250, which allows us to report the data with no delay of the FISA-related statistics.

DEFINITIONS

Subpoenas – Generally subpoenas are an investigative tool that do not require the review and approval of a judge. These are used in criminal and civil investigations and generally request customer account data. An example would be a subpoena requesting the basic account information (e.g., name, address, billing records, calling or usage records, etc.) pertaining to a certain telephone number or IP address. There are three different types of subpoenas from law enforcement: a grand jury subpoena issued in the name of a grand jury in a criminal investigation, an administrative subpoena authorized by state or federal law that allows a law enforcement agency to issue a subpoena, and a trial subpoena issued by a court in anticipation of a trial or hearing.

Court Orders – These are reviewed and signed by a judge most often without the need for the judge to find a basis in probable cause. Court orders are used to request general customer information (often referred to as “General Orders”) as well as pen register/trap & trace information. A pen register order requires Lumen to provide real-time access to numbers that a customer dials (or IP addresses that a customer visits). Trap & trace orders require us to provide real-time access to numbers of incoming calls to a customer. Court orders finding a basis of probable cause are used to obtain content such as wiretaps. A wiretap order requires an electronic communications company to provide law enforcement access to the content of telephone calls or Internet communications. Thus, access to customer content requires a higher level of judicial scrutiny under federal law.

Probable Cause – Probable cause is a requirement found in the Fourth Amendment that law enforcement must meet before conducting a search for content. Probable cause can be demonstrated through sworn testimony and sufficient evidence that there is a reasonable basis to believe that a crime has been committed and evidence pertaining to that crime is in the hands of a third party such as Lumen.

Search Warrants – Search warrants are reviewed and signed by a judge on a finding of probable cause.

Emergency Requests – In some instances, Lumen may receive an emergency request from law enforcement in a serious situation. Under federal law, law enforcement may request information on an expedited basis without a subpoena, court order or search warrant if there is an emergency involving the danger of death or serious physical injury to a person. Lumen requires law enforcement to provide the basis for an emergency request. After verifying the law enforcement officer and agency are legitimate (we do pre-verify many agencies), Lumen will provide the requested information verbally. Law enforcement must follow up with the appropriate legal demand to obtain the certified information in writing.

National Security Letters (“NSL”) – NSLs are issued by the Federal Bureau of Investigation to gather very basic customer account information for national security purposes. This tool cannot be used in ordinary investigations of criminal, civil or administrative cases in domestic matters. The FBI does not have to go to court to issue an NSL. Instead, the FBI director or a senior designee can certify in writing that the information sought is relevant to an investigation into matters of national security.

FISA Orders and Warrants – The Foreign Intelligence Surveillance Court issues FISA orders and warrants for both content and non-content information (see below) for matters related to national security. The FISA court handles requests from federal agencies like the FBI or NSA to conduct intelligence in the U.S. FISA Orders can request both stored content and non-content information.

Stored Content – This refers to communications or other data that customers create and store through Lumen’s services, such as email, voice messages or the content of telephone conversations. Lumen requires a search warrant or court order finding probable cause to allow access to this type of data

Non-Content – As noted in previous examples, this is generally account information relating to a customer that does not contain the contents of a communication. Examples include a list of telephone numbers called or IP addresses used.

FAQ’S

- 1. Why did Lumen decide to issue a transparency report, did something change?** Lumen issued this semi-annual transparency report to demonstrate to interested parties that we are committed to safeguarding our customers’ privacy to the best of our ability while also meeting the legitimate legal needs of the U.S. government and national security demands.

Following recent changes in European data protection laws, the European Data Protection Board determined that regular publication of transparency reports is

considered a “supplemental measure” that may help mitigate against concerns regarding U.S. government surveillance laws and practices. We determined that in addition to the report being considered a supplemental measure, it would be in our customers’ best interest to have access to transparency reports outlining the types of law enforcement demands Lumen receives. These reports demonstrate the low level of demands that Lumen receives, particularly when referencing national security inquiries through Foreign Intelligence Surveillance Act and National Security Letters.

- 2. Why is it limited to U.S. only?** U.S. state and local law enforcement are the primary source of law enforcement demands and the vast majority of those demands are targeted at mass market customers in the U.S.
- 3. Will you notify me when you receive an inquiry for my data so I can determine if the request is legitimate and take appropriate actions?** Lumen takes legal demands for customer information seriously and prefers to provide notice to the customer when we receive a legal demand. However, in most instances, law enforcement requires us not to notify the target of the legal demand, so unfortunately, we cannot legally provide notice to the customer.
- 4. How does Lumen decide if a request for my data is legitimate?** Lumen takes great care in reviewing each legal demand for data before providing a response to the requesting agency. We have a team that carefully reviews each demand for legality, accuracy, scope, and validity, including whether the demand is appropriately limited to obtain only the information necessary to meet the government agency’s need. If our team determines that a demand is legally invalid, overly broad, inappropriate or seeks information outside the limitations of the type of demand, we will reject the legal demand or ask for further clarification. There are instances where we cannot produce the data even when we have received a valid request. For example, we may receive a demand for data that we do not possess, did not receive or collect, or no longer maintain due to data retention limitations. Lumen works closely and has developed good relationships with government agencies that can aid in this process.

For questions concerning this Transparency Report, please email Lumen at privacy@centurylink.com.