

# **U.S. Transparency Report 2021 (2nd half)**



# Verizon's Transparency Report for the 2nd Half of 2021

Verizon's Transparency Report presents the number of demands we received from law enforcement in the United States and other countries where we did business during the second half of 2021.

## United States Report

The following table sets out the number of subpoenas, orders, warrants, and emergency requests that we received from federal, state, or local law enforcement in the United States during the second half of 2021. The table presents data for the past three years. Data from prior periods can be found by clicking the "Archive" tab at the top of the page.

The vast majority of these demands relate to our consumer customers; we receive relatively few demands regarding our enterprise customers. We do not release customer information unless authorized by law, such as a valid law enforcement demand or an appropriate request in an emergency involving the danger of death or serious physical injury.

The total number and types of demands we receive continues to be fairly stable as compared to prior six-month periods. In general, we have been seeing an increase in the number of warrants and a decrease in the number of general orders. (We refer to a "general order" as any order other than a pen register, trap and trace, wiretap, or warrant.) That is due in part to the Supreme Court requiring law enforcement to demonstrate probable cause before obtaining location information.

## Law Enforcement Demands for Customer Data – United States

	1H 2018	2H 2018	1H 2019	2H 2019	1H 2020	2H 2020	1H 2021*	2H 2021
<b>Subpoenas</b>	69,596	64,017	68,192	64,136	66,773	59,264	63,665	56,641
<b>General Orders</b>	21,520	20,614	19,269	12,586	5,760	4,062	3,841	3,485
<b>Pen Register/ Trap &amp; Traces</b>	3,787	3,163	3,753	3,866	3,721	4,492	4,242	3,830
<b>Wiretaps</b>	645	586	585	525	612	627	415	387
<b>Warrants</b>	13,552	14,543	13,870	18,721	16,818	15,061	15,139	14,233
<b>Emergency Requests From Law Enforcement</b>	31,239	33,001	30,365	33,518	34,868	37,760	34,976	35,726
<b>Total</b>	<b>140,339</b>	<b>135,924</b>	<b>136,034</b>	<b>133,352</b>	<b>128,552</b>	<b>121,266</b>	<b>122,278</b>	<b>114,302</b>

\* Based on updated information, we have made minor adjustments to the numbers from the first half of 2021 above since originally releasing our Transparency Report for that time period.

Verizon has teams that carefully review each demand we receive. We do not produce information in response to all demands we receive. During the second half of 2021, we did not release records in response to approximately 9% of the demands we received. Specifically, we did not release records in response to approximately 9% of the subpoenas we received and approximately 8% of the warrants and orders we received. We may decline to release records for a number of reasons. In some instances, including situations when a different type of legal process is needed for the type of information requested, the legal demand is invalid and therefore rejected. Often, we receive valid demands that seek information about a phone number serviced by a different provider, meaning that we have no records to produce. Likewise, we regularly receive demands seeking data that we do not possess. This includes situations where the data sought is of a type that we do not collect or is older than our retention periods.

We also received National Security Letters and Foreign Intelligence Surveillance Act (FISA) Orders, which we address in a separate table at the end of this Transparency Report.

Although this Transparency Report focuses on the demands we receive from law enforcement, we also receive discovery requests for data in civil cases. Our team carefully reviews each civil request to ensure its validity, just as we do in criminal cases. Subpoenas in civil cases are generally issued pursuant to authorities like Rule 45 of the Federal Rules of Civil Procedure and similar state rules. Each subpoena must seek relevant information, and that information must be shared with the other party or parties in the civil lawsuit.

During the second half of 2021, Verizon received 8,630 subpoenas in civil cases and 27 orders in civil cases. The 8,630 civil subpoenas sought information about 20,862 customer selectors, and the 27 civil orders sought information about 78 customer selectors. Approximately 56% of the civil requests we received sought information on only one selector (and thus only one customer), and about 90% sought information regarding three or fewer selectors (and thus three or fewer customers). During the second half of 2021, we did not produce any data in response to 47% of civil discovery requests. Like with criminal demands, some civil requests were legally invalid or should have been directed to a different provider. However, the most common reason why we did not produce records in a civil case is that we no longer had any responsive records to provide by the time we received the request. While law enforcement demands in criminal cases typically seek relatively recent records, civil requests are often submitted long after the relevant events have occurred. As we retain customer records only for the duration necessary to meet our business needs, many civil requests seek records that have already surpassed our record retention periods.

## **Subpoenas**

We received 56,641 subpoenas from law enforcement in the United States during the second half of 2021. We are required by law to provide the information requested by a valid subpoena. The subpoenas we receive are generally used by law enforcement to obtain “subscriber information,” meaning the type of information that appears on a customer’s phone bill. We continue to see that approximately half of the subpoenas we receive seek only subscriber information. Those subpoenas typically require us to provide only the name and address of the customer associated with a given phone number or IP address. Other subpoenas may ask for certain transactional information, such as the phone numbers that a given customer called. The types of information that we can provide in response to a subpoena are limited by law. We do not release the contents of communications (such as text messages or emails) or cell site location information in response to a subpoena.

During the second half of 2021, the 56,641 subpoenas we received sought information regarding 106,944 information points, such as telephone numbers, used to identify customers. These customer identifiers are also known as “selectors.” On average, each subpoena sought information about 1.9 selectors. The number of selectors is usually greater than the number of customer accounts. For instance, if a customer had multiple telephone numbers, then it is possible that a subpoena requesting information about multiple selectors was actually seeking information about only one customer. During the second half of 2021, approximately 70% of the subpoenas we received sought information on only one selector (and thus only one customer), and about 90% sought information regarding three or fewer selectors (and thus three or fewer customers).

## Orders

A court order must be signed by a judge and must indicate that the law enforcement officer has made the proper showing required under the law. An order compels us to provide some types of information to the government. We do not provide law enforcement any content (such as text messages or emails) in response to an order.

*General Orders.* During the second half of 2021, we received 3,485 “general orders.” We use the term “general order” to refer to any order that is not a wiretap order, a pen register order, a trap and trace order, or a warrant. We continue to see that many of these general orders require us to release the same basic types of information that could also be released pursuant to a subpoena.

*“Pen/Traps” and Wiretaps.* We received 4,217 demands during the second half of 2021 that required us to provide access to data in real-time. These are commonly referred to as pen register orders, trap and trace orders, or wiretap orders, although an increasing number of these requests are now being captioned as warrants. A pen register order requires us to provide law enforcement with real-time access to phone numbers as they are dialed, while a trap and trace order compels us to provide law enforcement with real-time access to the phone numbers from incoming calls.

We received 3,830 orders to assist with pen registers or trap and traces during the second half of 2021, although generally a single demand is issued to establish both a pen register and a trap and trace. Far less often, we are required to assist with wiretaps, where law enforcement accesses the content of a communication as it is taking place. We received 387 orders for wiretaps during the second half of 2021.

## Warrants

We received 14,233 warrants during the second half of 2021. To obtain a warrant, a law enforcement officer must show a judge that there is “probable cause” to believe that the evidence sought is related to a crime. This is a higher standard than what is required for a general order. A warrant may be used to obtain stored content (such as text message content or email content), location information, or more basic subscriber or transactional information.

During the second half of 2021, we received a total of 17,718 general orders and warrants. They sought data regarding 36,959 information points, such as telephone numbers, used to identify customers. These customer identifiers are also known as “selectors.” On average, each order or warrant sought information about 2.1 selectors. The number of selectors is usually greater than the number of customer accounts. For instance, if a customer had multiple telephone numbers, then it is possible that an order or warrant seeking information about multiple selectors was actually seeking information about only one customer. During the second half of 2021, over 75% of the orders and warrants we received sought information on only one selector (and thus only one customer), and over 90% sought information regarding three or fewer selectors (and thus three or fewer customers).

## Content and Location Information

*Content.* We are compelled to provide the contents of communications to law enforcement relatively infrequently. Under the law, law enforcement may seek communications or other content that a customer may store through our services, such as text messages or emails. Verizon only releases such stored content to law enforcement with a probable cause warrant. We do not produce stored content in response to a general order or subpoena. During the second half of 2021, we received 8,510 warrants for stored content.

*Location information.* During the second half of 2021, we received 12,754 warrants based on probable cause for location data. In addition, we received 1,559 warrants or court orders for “cell tower dumps” during the second half of 2021. In attempting to identify a suspect of a crime, the government may apply to a court for a warrant or order compelling us to provide a “dump” of the phone numbers of all devices that connected to a specific cell tower or site during a given period of time.

## Emergency Requests

Law enforcement may request information from Verizon that is needed to help resolve serious emergencies. We are authorized by federal law to provide the requested information during such emergencies, and we have an established process for responding to these emergency requests in accordance with the law. To request data during these emergencies, a law enforcement officer must certify in writing that there is an emergency involving the danger of death or serious physical injury to a person that requires disclosure without delay. These emergency requests are made in response to active violent crimes, bomb threats, hostage situations, kidnappings, and fugitive scenarios, often presenting life-threatening situations. In addition, many emergency requests are submitted in search and rescue settings or when law enforcement is trying to locate a missing child or elderly person.

We also receive emergency requests for information from Public Safety Answering Points (PSAPs) regarding particular 9-1-1 calls from the public. Calls for emergency services, such as police, fire or ambulance, are answered in call centers, or PSAPs, throughout the country. PSAPs receive tens of millions of calls from 9-1-1 callers each year, and certain information about the calls (name and address for wireline callers, or phone numbers and available location information for wireless callers) is typically made available to the PSAP when a 9-1-1 call is made. Yet a small percentage of the time, PSAP officials may need to contact the telecom provider to get information that was not automatically communicated by virtue of the 9-1-1 call or by the 9-1-1 caller.

During the second half of 2021, we received 35,726 emergency requests for information from law enforcement in emergency matters involving the danger of death or serious physical injury. During that same period, we also received 11,483 emergency requests from PSAPs related to particular 9-1-1 calls from the public for emergency services.

## National Security Demands

The table below sets forth the number of national security demands that we received during the applicable period. Under Section 603 of the USA Freedom Act, we are now able to report the number of these demands in bands of 500.

	<b>July 1, 2017– Dec. 31, 2017</b>	<b>Jan. 1, 2018– June 30, 2018</b>	<b>July 1, 2018– Dec. 31, 2018</b>	<b>Jan. 1, 2019– Jun. 30, 2019</b>	<b>July 1, 2019 – Dec. 31, 2019</b>	<b>Jan. 1, 2020– June 30, 2020</b>	<b>July 1, 2020– Dec. 31, 2020</b>	<b>Jan. 1, 2021– June 30, 2021</b>	<b>July 1, 2021– Dec. 31, 2021</b>
<b>National Security Letters</b>	500-999	6-499	5-499	1-499	2-499	1-499	2-499	500-999	0-499
<b>Number of customer selectors</b>	1,500-1,999	2,000-2,499	2,000-2,499	1,500-1,999	3,500-3,999	1,000-1,499	1,000-1,499	1,500-1,999	1,000-1,499
<b>FISA Orders (Content)</b>	0-499	0-499	0-499	0-499	0-499	0-499	0-499	0-499	*
<b>Number of customer selectors</b>	2,000-2,499	2,000-2,499	1,500-1,999	1,000-1,499	1,000-1,499	1,000-1,499	1,000-1,499	1,000-1,499	*
<b>FISA Orders (Non-Content)</b>	0-499	0-499	0-499	0-499	0-499	0-499	0-499	0-499	*
<b>Number of customer selectors</b>	0-499	0-499	0-499	0-499	0-499	0-499	0-499	0-499	*

\* The government has imposed a six month delay for reporting this data.

## **National Security Letters**

During the second half of 2021, we received between 0 and 499 NSLs from the FBI. Those NSLs sought information regarding between 1,000 and 1,499 “selectors” used to identify customers. The government uses the term “customer selector” to refer to an identifier (most often a telephone number) that specifies a given customer. The number of selectors is generally greater than the number of “customer accounts.” (If an NSL asked for the names associated with two different telephone numbers, then we would count them as two selectors, even if both phone numbers were assigned to the same customer account.) The FBI may seek only limited categories of information through an NSL: name, address, length of service, and toll billing records. Verizon does not release any other information, such as content or location information, in response to an NSL.

NSLs typically prohibit the recipient, such as Verizon, from disclosing to any other person that the NSL was received or that the recipient provided information in response to it. Until recently, these non-disclosure requirements applied indefinitely. The USA Freedom Act, however, required the FBI to periodically review if each NSL recipient could be relieved of the non-disclosure requirements. To that end, we have recently received 24 notices from the FBI advising that the non-disclosure requirements of 24 NSLs no longer apply.

We therefore can now disclose that we complied with each of those NSLs by providing the name, address, dates of service, and/or toll billing records, as authorized by the relevant statute.

## **Foreign Intelligence Surveillance Act Orders**

The government requires that we delay reporting our receipt of any orders issued under FISA for six months. Thus, at this time, the most recent FISA information that we may report is for the first half of 2021.

### **Content**

From January 1, 2021 through June 30, 2021, we received between 0 and 499 FISA orders for content. Those orders targeted between 1,000 and 1,499 “customer selectors” used to identify Verizon customers.

### **Non-content**

From January 1, 2021 through June 30, 2021, we received between 0 and 499 reportable FISA orders for non-content. Some FISA orders that seek content also seek non-content. We counted those as FISA orders for content and, to avoid double counting, have not also counted them as FISA orders for non-content. Those orders targeted between 0 and 499 “customer selectors.”

# Frequently Asked Questions

## **Which Verizon services does this Transparency Report cover?**

The figures in this Report include demands for customer data regarding our Verizon wireline services, such as phone, Internet or television, our Verizon Wireless services, telematics services, and our BlueJeans business. This report does not include statistics for Verizon Media Group, which will issue a separate transparency report. Verizon has recently agreed to sell Verizon Media Group to Apollo Global Management, and the sale is expected to close later in 2021. This report does not currently include statistics for TracFone Wireless or Bluegrass Cellular, which Verizon acquired last year.

## **Does Verizon charge law enforcement for providing data?**

In some instances, federal and most state laws authorize providers to charge a reimbursement fee for responding to law enforcement demands for records or to recoup reasonable expenses in complying with a wiretap order or pen register or trap and trace order. In the majority of instances, however, we do not seek reimbursement for responding to law enforcement requests. We do not charge for responding to emergency requests and do not charge for responding to most subpoenas. When we do charge a reimbursement fee, our fees are permitted by law or court order and seek to recoup only some of our costs.

## **Does Verizon also receive requests for data in civil cases?**

Yes, we do. Requests in civil cases comprise a small percentage of the total requests we receive. This Transparency Report focuses on requests from law enforcement.

## **Will Verizon issue future Transparency Reports?**

Yes, on a semi-annual basis.

## **What obligations to report on demands already apply to the United States government?**

Federal law already places substantial reporting requirements on federal and state governments.

Each year the United States Attorney General and the principal prosecuting attorney for each state have to report the number of applications for wiretap orders, the number of orders granted, the types of communications intercepted, the number of persons whose communications were intercepted, and the numbers of arrests and convictions resulting from such interceptions. That information is summarized for Congress. See 18 U.S.C. § 2519(2)-(3). Similarly, the Attorney General must make detailed annual reports to Congress on the number of pen registers and trap and trace orders. See 18 U.S.C. § 3126.

The Attorney General also has to report to Congress each year regarding information obtained in emergencies, in some contexts. See 18 U.S.C. § 2702(d). And the Director of the FBI has to report twice each year to Congress regarding the number of National Security Letters issued. See 18 U.S.C. § 2709(e).

## **How does Verizon respect privacy and free expression when responding to law enforcement demands?**

We pay careful attention to law enforcement demands to obtain customer data or to restrict access to information, and we carefully review each demand that we receive to ensure that it is valid. We seek to minimize disclosure of customer data by narrowly interpreting demands and may seek clarification, request modification, or pursue other options, including contesting a

demand, if circumstances warrant. We also seek to be accountable and transparent by sharing information about how we handle demands and about our disclosure of customer data.

Verizon is committed to operating with respect for internationally-recognized human rights. For more information on Verizon's approach to human rights see [here](#).

### **Does Verizon receive demands to block content?**

Although we have not received blocking demands in the United States, we have received such demands in a handful of other countries. This is detailed in our International Report. We do not receive demands from governments to remove content.

### **Does Verizon receive requests to shut down or restrict access to its network?**

No, Verizon has not received government orders to shut down or restrict access to our services or communications networks. If we received such a request, we would evaluate its legality and proportionality and strive to minimize any impact on customers' freedom of expression and human rights. Such incidents would be disclosed in our semi-annual Transparency Report, consistent with the requirements of applicable laws.

## **Subpoenas**

### **Does a law enforcement officer need to go before a judge to issue a subpoena?**

Under federal law and the law in many states, the government does not need judicial approval to issue a subpoena. A prosecutor or law enforcement official may issue a subpoena to seek evidence relevant to the investigation of a possible crime.

### **Are there limits on the types of data law enforcement can obtain through a subpoena?**

Yes, in response to a subpoena, we only release the six types of information specifically identified in 18 U.S.C. § 2703(c)(2)(A)-(F): customer name, address, telephone or other subscriber number, length of service, calling records, and payment records. Some states have stricter rules. We do not release any content of a communication in response to a subpoena.

### **Are there different types of subpoenas?**

Yes, we may receive three different types of subpoenas from law enforcement: a grand jury subpoena (the subpoena is issued in the name of a grand jury investigating a potential crime); an administrative subpoena (generally, a federal or state law authorizes a law enforcement agency to issue a subpoena); or a trial subpoena (the subpoena is issued in the name of the court in anticipation of a trial or hearing).

## Orders

### **What is a pen register or trap and trace order?**

Pen register or trap and trace orders require a wire or electronic communications provider (like Verizon) to afford access to “dialing, routing, addressing, or signaling information.” With a pen register order, we must afford real-time access to the numbers that a customer dials (or IP addresses that a customer visits); with a trap and trace order, we must afford real-time access to the numbers that call a customer. Such orders do not authorize law enforcement to obtain the contents of any communication.

### **What is a wiretap order?**

A wiretap order is an order that requires a wire or electronic communications provider to provide access to the content of communications in real-time to law enforcement. The order can relate to the content of telephone or Internet communications.

### **What are the different showings that law enforcement has to make for the different orders?**

A wiretap order is the most difficult for law enforcement to obtain. Under the law, law enforcement may not obtain a wiretap order unless a judge finds that there is probable cause to believe that an individual is committing one of certain specified offenses and that particular communications concerning that offense will be obtained through the wiretap. A wiretap order is only issued for a specified time.

A general order requires law enforcement to offer specific and articulable facts showing that there are reasonable grounds to believe that the records sought are relevant and material to an ongoing criminal investigation. In federal court, such orders are authorized under 18 U.S.C. § 2703(d).

A pen register order or trap and trace order requires law enforcement to make a lesser showing – that the information likely to be obtained is relevant to an ongoing criminal investigation.

## Warrants

### **What showing must law enforcement make to obtain a warrant?**

To obtain a warrant, a law enforcement officer has to show a judge that there is probable cause to believe that the evidence it seeks is related to a crime and in the specific place to be searched.

### **What is the difference between stored content and non-content?**

“Stored content” refers to communications or other data that our users create and store through our services, such as text messages or photographs. We require a warrant before disclosing stored content to law enforcement, absent an emergency involving the danger of death or serious physical injury. Non-content refers to records we create, such as subscriber information that a customer provides at the time she signs up for our services. Non-content also includes transactional information regarding the customer’s use of our services, such as the phone numbers that a customer called.

# National Security Letters

## What is an NSL?

A National Security Letter, or NSL, is a request for information in national security matters; it cannot be used in ordinary criminal, civil, or administrative matters. When the Director of the Federal Bureau of Investigation issues a National Security Letter to a wire or electronic communications provider (like Verizon), the provider must comply. The law that authorizes the FBI to issue NSLs also requires the Director of the FBI to report to Congress regarding NSL requests.

## Under what circumstances can the FBI issue an NSL?

The FBI does not need to go to court to issue an NSL. Rather, the Director of the FBI or a senior designee must certify in writing that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

## What types of data can the FBI obtain through an NSL?

The FBI may seek only limited categories of information through an NSL: name, address, length of service, and toll billing records. The FBI cannot obtain other information from Verizon, such as content or location information, through an NSL.

# FISA Orders

## What is a “FISA Order”?

A FISA order is an order issued by a judge of the Foreign Intelligence Surveillance Court. This Court was created by the Foreign Intelligence Surveillance Act of 1978 (commonly known as “FISA”). The FISA court considers requests by government agencies like the FBI or NSA to collect or conduct intelligence in the United States. The FISA court can issue an order compelling a private party, like Verizon, to produce intelligence information to the government.

## What is a “FISA Order for Content”?

A FISA order for content is an order that compels a service provider to give the government the content of certain communications carried on the provider’s networks. A FISA order for content could compel the provider to intercept voice communications or provide the government with stored content. For example, the government could seek a FISA electronic surveillance order (pursuant to 50 U.S.C. §1805 or §1881a) or search order (pursuant to 50 U.S.C. §1824) from the FISA court to compel content from a provider.

## What is a “FISA order for non-content”?

A FISA order for non-content is an order that compels a service provider to produce call detail records or similar “transactional” information about communications carried on the provider’s networks, but it does not require the provider to produce any content. A FISA pen register or trap and trace order and a so-called Section “215 order” are FISA orders for non-content. For example, the government could seek a FISA pen register or trap and trace order (pursuant to 50 U.S.C. § 1842) from the FISA court to compel a provider to produce routing information. The government may seek a Section 215 order (pursuant to 50 U.S.C. § 1861) to obtain the types of information obtained through a grand jury subpoena or a court order.