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FOREIGN INTELLIGENCE SURVEILLANCE COURT

IN RE DIRECTIVES TO YAHOO! INC.
PURSUANT TO SECTION 105B OF THE
FOREIGN INTELLIGENCE
SURVEILLANCE ACT

Dkt. No. 105B(G) 07-01

Declaration of [REDACTED]

UNDER SEAL

DECLARATION OF [REDACTED]

I, [REDACTED] under penalty of perjury, hereby declare and say:

1. I am employed by Yahoo! Inc. ("Yahoo!") as the [REDACTED] in the legal department, and I have held that position since [REDACTED]. Prior to that time, I worked as a paralegal on the [REDACTED]. I have personal knowledge of all the facts set forth in this declaration, except for where stated on information and belief. As to such facts, I believe them to be true.

2. As [REDACTED] my current job responsibilities include supervising the [REDACTED] which is responsible for processing and responding to criminal and civil subpoenas and authenticating documents produced by Yahoo!. [REDACTED]

3. I [REDACTED] am primarily responsible for Yahoo!'s compliance with orders issued by this Court. In that capacity, I have met with [REDACTED] and FBI personnel who work with [REDACTED] to discuss Yahoo!'s compliance with orders issued by [REDACTED]

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this Court, and I participated in one meeting in August 2007 immediately prior to the passage of the Protect America Act ("PAA") to discuss Yahoo!'s potential compliance with the anticipated Directives. Following that meeting, however, I did not participate directly in any meetings with the government to discuss Yahoo!'s potential implementation of the Directives.

4. I have reviewed the Declaration of [REDACTED] dated January 16, 2008. In paragraphs [REDACTED] of that declaration, [REDACTED] discusses the information that Yahoo! currently provides to the FBI in response to electronic surveillance [REDACTED] orders issued by this Court ("FISC Orders"). [REDACTED]

5. Paragraphs [REDACTED] of this declaration are intended to respond to paragraphs [REDACTED] of [REDACTED] declaration and to set forth my understanding of the information that Yahoo! currently provides in response to FISC Orders. [REDACTED]

6. [REDACTED]

7. Because this Court asked that the parties specifically "identif[y] and fully describe[] any communications or information the government seeks from Yahoo that does not

constitute [REDACTED]

[REDACTED] " I believe that the following description of Yahoo!'s services and the information transmitted through those services would be helpful in categorizing the communications in order to be responsive to the court's request.

8. Yahoo! generally provides three different types of services to its users. First, Yahoo! provides electronic communication services, like Yahoo! Mail and Instant Messenger that allow users to communicate with each other as well as other internet users. In this regard, Yahoo! functions similarly to a phone company – it provides communication pathways for its users to communicate with others.

9. Second, Yahoo! provides information services like Yahoo! Finance, Yahoo! Search or Yahoo! Maps that allow users to obtain information on demand from Yahoo! itself. Such information could include news, search results, maps, or other information. In this regard, Yahoo! functions like the enhanced information services available from phone companies when a user dials 411 to obtain address listings, movie times, and driving directions. Users ask Yahoo! for information and Yahoo! provides it. These communications are not exchanged among Yahoo! users and other Yahoo! users, but directly between Yahoo! and a Yahoo! user.

10. Third, Yahoo! provides storage and processing services whereby users can store their electronic information, such as documents, files and photos, on Yahoo! servers. In this regard, Yahoo! functions like a data warehouse, allowing users a secure, internet-accessible place to store their data and to interact with it.

11. In addition, in order to provide many of these services and in the course of providing many of these services, Yahoo! transmits many electronic communications on its own internal networks that are neither initiated by nor read by its users. These communications include requests from one Yahoo! server to another Yahoo! server to take some action, such as to find and deliver data, and may also include automated transmissions of data between Yahoo!

servers and files stored by Yahoo! on the computers of Yahoo! users known as "cookies." This fourth type of communication travels over Yahoo! networks but contains no content authored by a Yahoo! user.

[REDACTED]

12. As correctly stated in [REDACTED] declaration, [REDACTED]

[REDACTED] all information provided by Yahoo! is collected by Yahoo!. To my knowledge, the government has never directly performed collections of data on Yahoo!'s network and upon information and belief, it does not contemplate doing so pursuant to the Directives.

[REDACTED]



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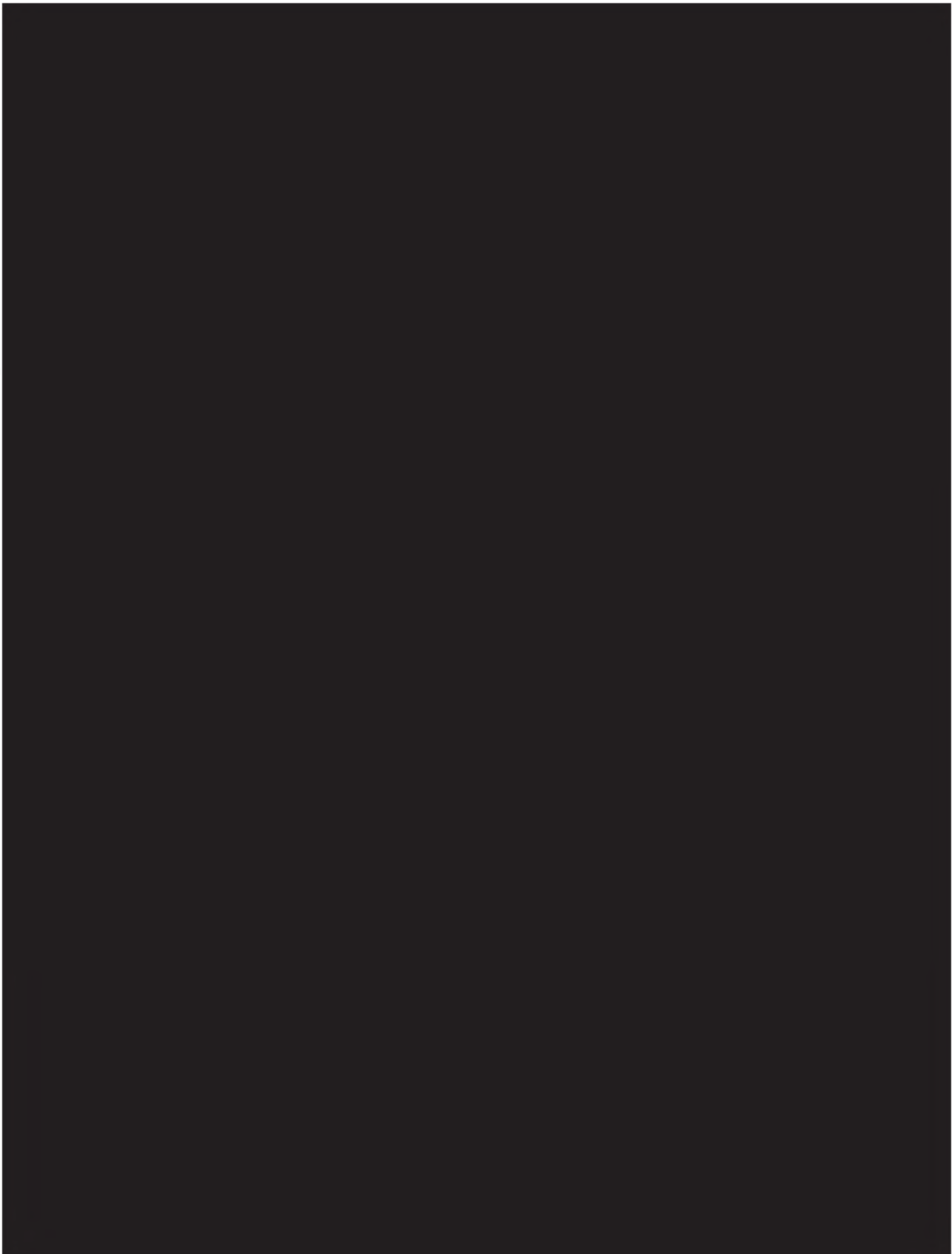
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[REDACTED]

¹ My understanding of what the government is seeking from Yahoo! when complying with the Directives is based mostly on communications with [REDACTED] as well as one meeting with [REDACTED] and his team prior to the implementation of the PAA.

[REDACTED]



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Executed this 23rd day of January 2008:



Yahoo!, Inc.