

January 25, 2022

BY EMAIL

Jeffrey Pung, Paralegal
U.S. Attorney's Office
450 Golden Gate Ave., Floor 11
San Francisco, CA 94102
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Re: Response to Order Under 18 U.S.C. §§ 2703(d) & 3512, Case No. CR22-90007 MISC SK



National Office
125 Broad Street, 18th floor
New York NY 10004
(212) 549-2500
aclu.org

Mr. Pung:

Through this letter, Innovate Labs, LLC responds to your January 14, 2022 letter, attaching a § 2703(d) order dated January 6, 2022, that seeks multiple categories of subscriber and account information. The American Civil Liberties Union represents Innovate Labs for the purposes of responding to the order. Please refer this letter to an attorney representing the government in this matter.

With respect to the information sought in the order, our client does not have any responsive information.

However, we note that there is a two-year non-disclosure order (NDO) associated with the order. As we have done in past cases, we intend to move the court to partially lift that NDO so that our client can publish a redacted version of the order that does not disclose the identifiers listed in Attachment A. We have attached a copy of what that redacted and unsealed document will look like. Please inform us of the government's position on this forthcoming motion. Of course, we are happy to discuss our motion at your convenience.

As I said, our client does not have any responsive information. As background, Innovate Labs provides VPN services to users who sign up with an email address. Innovate Labs customers do not provide the company with either domain names or IP Addresses. The order does not list any email addresses—only two domain names and one IP Address. These pieces of information do not and cannot refer to any of our client's VPN users.

Nevertheless, Innovate Labs searched the few business records it retains for the three identifiers listed in Attachment A, and it found no responsive documents or other information. As a result, our client has nothing to provide in response to this legal process.



Finally, Innovate Labs—by design—does not possess almost any of the categories and types of information listed in the order. If there are any future demands for user information from Innovate Labs, please review our client’s website to learn what data Innovate Labs does collect and retain. Innovate Labs publishes this information about its data collection and retention policies in support of its commitment to transparency¹ The software application utilizes state-of-the-art technology to provide fast, uninterrupted access to the open Internet, using a variety of techniques to bypass censorship and firewalls. The company does not log information linking accounts to real identities, purchase information, connection logs, or most other information.²

Please let us know your position on partially unsealing these documents. Any future correspondence regarding this matter should be directed to undersigned counsel.

Sincerely,

/Jennifer Stisa Granick/

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¹ See https://getlantern.org/en_US/index.html.

² See <https://s3.amazonaws.com/lantern/LanternPrivacyPolicy.pdf>