



The United States Internet Service Provider Association (“US ISPA”) is a national trade association that represents the common policy and legal concerns of the major Internet service providers (ISPs), portal companies, and network providers. Association participants include America Online, Inc., BellSouth Corporation, EarthLink, Inc., MCI, Inc., Microsoft, SAVVIS, Inc., SBC Internet Services, Inc., United Online, Inc., Verizon Communications Inc., and Yahoo!, Inc.

Members of US ISPA recognize their legal obligation to report the facts or circumstances of apparent child pornography to the National Center for Missing and Exploited Children (“NCMEC” or “National Center”). All US ISPA members are registered with NCMEC’s CyberTipLine II, and all members appreciate the enormous value of their timely and accurate reporting of incident information. In an effort to assist the National Center in streamlining the reporting process, and to be helpful to law enforcement, US ISPA proposes the sound practices below as a guide for what information should, where available, be included in reports.

PROPOSED SOUND PRACTICES FOR REPORTING APPARENT CHILD PORNOGRAPHY

Electronic Communications Service (“ECS”) and Remote Computing Service (“RCS”) providers will report the following information, where available, to the National Center:

- **INFORMATION ABOUT THE SUBSCRIBER** -- Information relating to the subscriber’s online identity which may include the subscriber’s screen name, user identification name, email address, or website address/Uniform Resource Locator (URL), but only to the extent that these identifiers are associated with the suspected child pornography;
- **HISTORICAL REFERENCE** -- Information about when the content was uploaded, transmitted, reported to, or discovered by the ECS or RCS provider which may include a date and time stamp and time zone;
- **GEOGRAPHIC LOCATION INFORMATION** -- Information relating to the location of the subscriber, hosting website, or URL which may include area code, zip code, or Internet Protocol (IP) address;
- **IMAGES OF APPARENT CHILD PORNOGRAPHY** -- When images of apparent child pornography are discovered on servers belonging to or operated by an ECS or RCS, the service provider will (consistent with

Chapter 110 of Title 18 U.S.C.) disable access to the image or images, prepare a report of the facts or circumstances, and transmit the report and suspected image or images to the National Center using the means and facilities provided by NCMEC.¹ The provider may retain the image or images no longer than is necessary for law enforcement to obtain the image or images from the provider.² If an image is referred, that image should be destroyed.³ If companies choose to retain an image after referral for law enforcement, appropriate safeguards must be in place to ensure that only law enforcement has access to the image.⁴

In addition to information that should be reported to the National Center in each incident, US ISPA encourages ECS and RCS providers to communicate up-to-date information about contact information and retention information. Providers should make the following information available to NCMEC:

- **COMPANY CONTACT INFORMATION** -- Accurate contact information for the provider including address, telephone number, and facsimile number;
- **INFORMATION ON RETENTION POLICIES** -- Information about how long the ECS or RCS will store content and transactional information relating to the facts or circumstances of the reported incident.

US ISPA proposes these sound practices to the Department of Justice and the National Center for review. If these practices are found to support the spirit of compliance with existing statutory obligations under 42 U.S.C. §13032, US ISPA will disseminate this document to its members as a recommended method for ISP reporting. The Association also will partner with the National Center to distribute the sound practices to other ECS and RCS providers.

¹ 42 U.S.C. §13032, 18 U.S.C. §2702(b)(6) and (c)(5); but see, e.g., 18 U.S.C. 2252A(a).

² 18 U.S.C 2252A(d).

³ 18 U.S.C 2252A(d)2.

⁴ *Id.*