



SUBPOENA COMPLIANCE, DATA REQUEST POLICY & EXIGENT CIRCUMSTANCES GUIDELINES

Privacy Notice - Please see New Wave's Privacy Notice for further information on what type of information New Wave collects, how it is used, and when it may be disclosed. Subject to New Wave's Privacy Notice, this Data Request Policy describes the types of requests for data that New Wave may receive and how New Wave may respond to such requests.

Legal Response Guidelines - New Wave's Law Enforcement Support Center assists law enforcement agencies in their investigations while protecting subscriber privacy as required by law and applicable privacy policies. Depending on the circumstances, the primary federal statutes to which New Wave must consider when releasing subscriber information are: The Cable Communications Policy Act of 1984 (47 U.S.C. § 551); The Electronic Communications Privacy Act (18 U.S.C. §§ 2510-2522, 2701-2712, 3121-3127); the Communications Assistance for Law Enforcement Act (47 U.S.C. §§ 1001-1010); the Telecommunications Act of 1996 (particularly, 47 U.S.C. § 222 pertaining to customer proprietary network information or CPNI) and the Stored Communications Act ("SCA"), 18 U.S.C Sections 2701-2712.

Types of Requests - New Wave receives and responds to the following types of requests concerning subscriber data:

Data Requests - A data request is a request for information or documents relating to Subscriber accounts in connection with official criminal investigations or other official legal proceedings. Except in limited emergency situations (see below), New Wave requires data requests to be made through formal U.S. legal process and procedures, and New Wave will respond to such requests as required by law. Examples of data requests include:

1. Subpoenas
2. Court Orders
3. Search Warrants

Legal process received from outside the United States may require a Mutual Legal Assistance Treaty (MLAT) with the United States

Other forms of legal process such as Civil Investigative Demands

Preservation Requests - A preservation request asks New Wave to preserve Subscriber account records in connection with official criminal investigations or other official proceedings. Preservation requests must include the following information:

1. Identification of the account(s) at issue (as further described in Section 4 below).
2. Identification of the investigating agency and/or specific pending official proceedings (requests must be signed on law enforcement letterhead).
3. Assurances that the requesting agency or individual is taking steps to obtain appropriate legal process for access to the data that New Wave is being asked to retain and
4. A valid return email address and phone number.



Emergency Requests - An emergency request is only appropriate in cases involving imminent harm to a child, risk of death, or serious bodily harm or death requiring an immediate response. In such cases, we respond in a manner commiserate with the nature of the emergency and when we believe in good faith that such harm may occur if we do not respond without delay.

Notice to New Wave Subscribers - New Wave policy is to notify its Subscribers of requests for their data unless New Wave is prohibited from doing so by state or court order.

Information to Include in a Request - The following information must be included in a request for:

1. Subscriber Data
2. First Name
3. Last Name of The Customer
4. Email Address (associated with the account); and
5. Domain Name and/or IP address Associated with the Account.

New Wave may not be able to respond to a request without this information. Additionally, New Wave reserves the right to request a copy of the complaint and any supporting documentation that demonstrates how the information requested is related to the pending litigation and the underlying subpoena.

Sending a Request to New Wave. New Wave's located in Kansas and all Requests should be sent to that location or mailed or faxed to:

New Wave
P. O. Box 100
La Harpe, Kansas 66751
Phone: (620) 496-1000
Email: support@newwavebb.com

IMPORTANT NOTE: IN THE EVENT YOU SEND US A NOTICE OF ANY KIND VIA EMAIL AND DO NOT RECEIVE A RESPONSE FROM US, PLEASE SUBMIT A DUPLICATE COPY VIA PAPER DUE TO THE VAGARIES OF THE INTERNET AND EMAIL COMMUNICATION IN PARTICULAR, INCLUDING WITHOUT LIMITATION THE BURDENS OF SPAM AND THE OCCASIONAL UNINTENDED EFFECTS OF SPAM FILTERS, SENDING AN ALTERNATE FORM OF NOTICE, WILL HELP ASSURE THAT YOUR NOTICE IS RECEIVED BY US AND ACTED ON IN A TIMELY MANNER.

Fees - New Wave may seek reimbursement for costs in responding to requests as provided by law and may charge additional fees for costs in responding to unusual or burdensome requests.

Available Information - Depending on the type of formal legal process provided, New Wave may be able to respond with one or more of the following types of data:



Non-Content - New Wave will produce non-content information such as basic Subscriber information which may include the following subject to a valid request.

1. Name
2. Email Address
3. Date And Time of Account Creation
4. Billing Information
5. IP Logs

Content - New Wave will only produce Subscriber content (such as websites files and email content) pursuant to a valid search warrant from an entity with proper authority.