



## BARRACUDA NETWORKS, INC. LEGAL PROCESS GUIDELINES

### *For Government and Law Enforcement within the United States*

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#### 1. **Introduction**

Government and law enforcement agencies within the United States can use these guidelines ("**Guidelines**") when seeking information from Barracuda Networks, Inc. ("**Barracuda**") regarding customers who use Barracuda products and services.

**NOTE:** *Barracuda is NOT an email service provider. Unless a customer purchases an email archiving SaaS service, the email scanning products and services only have a rolling 30-to-90-day quantity of customer emails, depending on the product. Similarly, unless a customer purchases a Barracuda data archiving service, Barracuda does not have a copy of customer data. Barracuda is also not a domain host and does not manage domain names.*

Barracuda designs, manufactures, markets, and sells appliances, software and SaaS services that companies use to protect themselves from cyber security threats and to store back-up copies of their data. Barracuda's products and services fall into the following categories: Email Protection, Data Protection, Application Security, Network Security, and Managed Extended Detection and Response services. You can find more information about Barracuda products and services on the company's [Product Guide](#). [Barracuda Cloud Archiving Service](#) is a SaaS service in which customers can store a back-up copy of their emails. [Barracuda Cloud-to-Cloud Backup](#) is another SaaS service in which Barracuda stores a back-up copy of a company's data. Barracuda also offers certain on-premises products that customers can use to store data. Barracuda does not have access to the customer's data in these instances. Unless a customer uses one of the SaaS services to store their data, Barracuda will not have access to a large store of that data.

Barracuda collects customer personal information for use in our business in accordance with our [Privacy Notice](#). When customers subscribe to a Barracuda service and input their data into that service, Barracuda processes that information on the customer's behalf in accordance with our [Global Data Processing Addendum](#) and the [Barracuda Customer Terms and Conditions](#). Barracuda is committed to maintaining the privacy of the customers. Accordingly, other than in emergency situations as provided by law, information about Barracuda customers will not be released without valid legal process.

For government and law enforcement information requests, Barracuda complies with the laws pertaining to global entities that process customer data, and we provide details as legally required. For all requests from U.S. government and law enforcement agencies for customer data, except for emergency circumstances (defined in the Electronic Communications Privacy Act 1986 ("ECPA"), as amended), Barracuda will only provide customer data in response to a search warrant issued upon a showing of probable cause, or customer consent. Barracuda requires a Non-Disclosure Order if the government wishes Barracuda not to disclose the request to the affected customer(s).

These Guidelines do not apply to requests made by government and law enforcement agencies outside the United States to Barracuda's relevant local entities. All such requests, except for emergency circumstances (defined below in Emergency Requests), must comply with applicable laws [ECPA](#). Barracuda will provide customer content, as it exists in the customer's account, only in response to a request under a Mutual Legal Assistance Treaty or the Clarifying Lawful Overseas Use of Data Act.

These Guidelines are not intended to provide legal advice. Nothing within these Guidelines is meant to create any enforceable rights against Barracuda, and Barracuda's policies may be updated or changed in the future without further notice to anyone.



## **2. Service of Legal Process and Preservation Requests**

Barracuda accepts service of legal process by email to [subpoenarequest@barracuda.com](mailto:subpoenarequest@barracuda.com) from government and law enforcement agencies, provided it is transmitted from the official email address of the requesting agency. To help ensure the legal process Barracuda receives is in the form and substance the issuing authority authorized, Barracuda requires submission of the complete legal process, including attachments, in an uneditable PDF. Subpoenas, search warrants, and court orders that law enforcement submits to Barracuda should seek information regarding a particular customer's use of Barracuda products or services. Please allow 10 business days after service of your request unless the matter involves imminent harm or threat to life. Barracuda provides responses to the requesting law enforcement agency at the official law enforcement email address of the requesting officer. Barracuda carefully reviews all legal requests to ensure that there's a valid legal basis for each request and complies with legally valid requests. If Barracuda determines that there is no valid legal basis or where Barracuda believes the request is unclear, inappropriate or over-broad, Barracuda will object, challenge, or reject the request.

***NOTE: Barracuda will not download legal process documents through any links provided in an email due to system security standards. Additionally, law enforcement providing a link to download the legal process documents will not be considered valid service of process.***

Barracuda will not waive service requirements for subpoenas seeking witness testimony nor accept service via electronic means. All subpoenas seeking witness testimony must either be personally served on Barracuda or served through Barracuda's registered agent for service of process. Barracuda will resist subpoenas for witness testimony that are served with fewer than 14 days advance notice. Barracuda's registered agent for service of process is Corporation Service Company.

Requests to preserve information pursuant to 18 U.S.C. §2703(f) should be transmitted directly from an official government or law enforcement email address to [subpoenarequest@barracuda.com](mailto:subpoenarequest@barracuda.com). Preservation requests must include the relevant customer email address, or full name **and** phone number, and/or full name **and** physical address of the customer, along with the Barracuda products and services used (when known). After receipt of a preservation request, Barracuda will preserve a one-time data pull of the requested existing customer data available at the time of the request for 90 days. After this 90 day period, the preservation will be automatically removed from the storage server. However, this period can be extended for one additional 90-day period upon receipt of a renewed request. An attempt to serve more than two preservation requests for the same account will result in the second request being treated as a request for an extension of the original preservation, and not a separate preservation of new data. Requests for initiations of new preservations of data should be separately submitted and must not be combined with requests for extensions of existing preservations.

Under The ECPA, 18 U.S.C. §§2702(b)(8) and 2702(c)(4), Barracuda is permitted, but not required, to voluntarily disclose information, including contents of communications and customer records, to a federal, state, or local governmental entity if Barracuda believes in good faith that an emergency involving imminent danger of death or serious physical injury to any person – for example in the case of bomb threats, school shootings, kidnappings, suicide prevention, and missing persons cases – requires such disclosure without delay. To request such an emergency disclosure, please include "Exigent" in the subject matter of the message using the online form. Please provide the name, direct phone number, and email address of a supervisor within the office making the request for confirmation of exigency.

## **3. Customer Notice**

Barracuda will notify customers on the rare occasion when their Barracuda account and customer information is sought in response to legal process from government, law enforcement, or third parties, with the following exceptions:



- Where providing notice is explicitly prohibited by the legal process itself, by a court order Barracuda receives (e.g., an order under 18 U.S.C. §2705(b)), or by applicable law.
- Where Barracuda, in its sole discretion, believes that providing notice creates a risk of injury or death to an identifiable individual, in child endangerment cases, or where notice is not applicable to the underlying facts of the case.
- In emergency disclosure cases, Barracuda will provide delayed notice after the expiration of 90 days, unless the emergency disclosure relates to one of the exceptions referenced above.
- Where notice is prohibited by a court order for a specific period of time, Barracuda will delay notice to the customer until after the expiration of the non-disclosure period specified in the court order. Notice will not be provided if the case relates to one of the exceptions referenced above.
- If Barracuda receives a National Security Letter (“**NSL**”) from the U.S. government that contains an indefinite gag order. If Barracuda receives notice that the nondisclosure no longer applies, it will notify the affected customer(s) pursuant to Barracuda’s customer notice policies.

#### **4. Information Available from Barracuda**

This section covers the general types of information that may be available from Barracuda through appropriate legal processes at the time of the publishing of these Guidelines.

- Basic registration or customer information, including name, physical address, email address, and telephone number. Barracuda uses this information to perform trade compliance screening, and it may not be accurate when Barracuda receives a request to produce it.
- Contacts between customers and Barracuda customer service regarding the products or service, such as records of support interactions with customers regarding a particular Barracuda product or service.
- Backup copies of data stored in the cloud for customers who purchase Barracuda Cloud Archiving Service (BCAS), Barracuda Cloud-to-Cloud Backup (CCB), or Barracuda Backup Server with optional cloud replication (BBS) store backup copies of their data in these cloud services.