



November 3, 2015

Eva Blum-Dumontet  
Research Officer  
Privacy International  
62 Britton Street  
London, EC1M 5UY  
Great Britain

Dear Ms. Blum-Dumontet,

Thank you for your letter dated 28 October 2015 and the opportunity to respond to your inquiry for the upcoming report you indicated Privacy International plans to publish this Thursday concerning Microsoft and a court case in Thailand.

When you first contacted us by email in December 2014, the information you provided was general in nature and, unfortunately, did not provide enough detail to know what case you were referring to so we could respond to your request. However, with the additional details you provided last week, we were able to research the specific legal demand you inquired about.

As we've stated publicly on multiple occasions, Microsoft requires a valid, legal order before it will provide a government agency with customer data. Such orders must be targeted at specific accounts and identifiers. After receiving such an order, Microsoft's legal and compliance teams review the request to determine its validity, and if they determine the request is valid, they then authorize the release of data to comply with the request.

In this case, Microsoft received a request from Thailand's Bureau of Information Technology Regulation, which sits within the Ministry of Information and Communication Technology. The complaint, which was dated 11 November 2009, sought information about a specific Hotmail account, which the bureau alleged had been used to violate Thai law by distributing erroneous information that negatively impacted Thailand's stock exchange.

After our compliance team reviewed this demand, Microsoft Thailand responded on 10 December 2009 in writing to the bureau with "non-content" data, which in this case was limited to basic subscriber information and the IP connection history for the account. We did not provide the password for the account or the content of emails sent to or from this account.

It would appear that this is the letter you reference in your recent correspondence that was used in the prosecution of an individual in Thailand.

In light of this case, you asked us what information we generally receive about the nature of criminal investigations and the charges against a person of interest when Microsoft receives a request for user data from the Thai government. More specifically, you asked in your previous email if our offices in Thailand are given any details concerning cases when it receives a request for customer data, and if we would know if a request is tied to a lèse-majesté case.

In Thailand, as in other countries where we operate, we require an official signed document, issued pursuant to local law and rules when a demand for customer data is made. At a minimum, this includes a high-level description of the nature of the offense. That said, we have not received requests for data in Thailand that we've known in advance were tied to lèse-majesté investigations. That also is true of the request we received in November 2009.

As we state in our online transparency report on law enforcement demands at [www.microsoft.com/transparency](http://www.microsoft.com/transparency), when a legal demand is served directly on a local Microsoft subsidiary in another country, a local team or individual (typically a lawyer or someone operating under legal guidance) will receive and authenticate the legal demand. If it complies with local law, it is translated and sent to our global compliance team (comprised of lawyers and legal professionals with specialized knowledge and training) for further review and processing. Request that are deemed to be invalid are rejected.

As a global company committed to rule of law, we work every day to demonstrate respect for and to promote freedom of expression and privacy. These are fundamental human rights. In our engagements with law enforcement entities around the world we work to verify that they follow the laws and procedures in their jurisdictions before we respond to a request for customer data. We respect the fact that law enforcement entities have the very difficult job of keeping us all safe and bringing to justice those who commit crimes. At the same time, we remain cognizant of the fact that users will only use our cloud services if they trust what we do with their data, including in response to law enforcement requests.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Amy Hogan-Burney". The signature is fluid and cursive, with the first name "Amy" being the most prominent part.

Amy Hogan-Burney  
Senior Attorney  
Legal & Corporate Affairs