

WRITTEN TESTIMONY OF



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Introduction

Chairman Whitfield, Ranking Member Stupak, and Members of the Subcommittee, thank you for the opportunity to address the Subcommittee on the important topic of protecting children online. My name is Elizabeth Banker. I am Vice President and Associate General Counsel at Yahoo!, where I have managed the law enforcement compliance function for the past seven years. The compliance team consists of dedicated professionals whose primary function is to respond to legal process with respect to information about subscribers, and to report instances of child pornography to the National Center for Missing and Exploited Children (“NCMEC”). From these experiences, I can tell you that Yahoo! has an unwavering commitment to promote online safety and that I personally, along with the rest of the Yahoo executive team, share the same commitment. In my time at Yahoo!, I have also seen how much the Internet generally, and Yahoo!’s services specifically, are used to provide information, education, and fun to children who would otherwise not have access to these opportunities to enrich their lives.

About Yahoo!

Yahoo! is one of the leading global Internet brands and one of the most visited Internet destinations worldwide. More than 411 million unique users worldwide visit Yahoo! each month. We offer a broad range and deep array of over 50 products and services that are designed to provide our users with the power to connect, communicate, create, access, and share information online. Many of our services are free to users. Unlike many service providers represented here today, Yahoo! does not provide users with internet access. Users may access Yahoo! using any mode of internet access available to them, whether through our partners Verizon and AT&T, through a dial-up connection, via a wireless connection in a coffee shop, or on their mobile phone.

Yahoo! is Committed to Protecting Children Online

Yahoo!'s commitment to fostering a safe online environment for users of all ages begins with our own products and services. Yahoo! actively works to prevent people from abusing our service in a way that harms children. As you may know, there are many different ways to protect children online including: (1) building safer, child-appropriate online environments; (2) implementing policies and tools to assist in reporting users who engage in inappropriate or harmful behavior; (3) deterring and detecting use of systems to distribute illegal child pornography; and (4) working with law enforcement to combat online exploitation of children and to ensure that people who use the Internet to sexually abuse children are promptly identified, investigated and prosecuted.

As I will describe in more detail, Yahoo! uses all of these techniques to help create a safer online experience for all users. We also actively engage with others who are critical partners in the effort to combat online exploitation of children, such as the Department of Justice, NCMEC, the Internet Crimes Against Children Task Forces, non-profit organizations that promote online safety, our peers in the industry, and our users. Yahoo! has an especially long history of creating child-friendly online spaces, working with NCMEC, and working with law enforcement agencies on issues related to child sexual abuse. We continue to build on our prior successes and to move forward with additional measures that will enhance online safety for children.

How Yahoo! Makes Safer Places Online for Children

Yahoo was an early leader in creating child-friendly spaces online. In 1996, Yahoo! launched Yahoooligans!, one of the first online resources of safe and child-appropriate Web sites. Yahoooligans! is a safe place to be a kid on the Internet. It is a mini version of Yahoo! that is

designed for children, but also has a variety of resources for parents and teachers. All websites and content listed in the Yahoooligans! directory have been reviewed and approved by a trained staff of Yahoo! employees who are former teachers and librarians. Product offerings on Yahoooligans! include news, music, movies, e-greetings, jokes, science, and close to 100 kid-safe games. Yahoooligans! has more than 4 million unique users each month and was very proud to have won the Wired Kids Award in 2002.

Yahoo! also takes several measures to protect children who use services offered on Yahoo.com. One of these measures is to block younger users from using Yahoo! services that are likely to be used for grown-up interactions, such as Chat. Based on the birthdate provided upon registration, user accounts under the age of 18 are not currently allowed to participate in Yahoo! Chat or Yahoo! 360, Yahoo!'s social networking community. Similarly, children who are under the age of 13 may not register for a public profile as a Yahoo! user, participate in Yahoo! Games, or use Yahoo! Geocities to post a personal webpage.¹

Yahoo! also helps children stay safe online by promoting the use of filtering, blocking, and parental control tools. We make available a parental control product to users of Yahoo! who have broadband Internet access through our partners such as Verizon and AT&T. Using parental controls, parents can filter or restrict their children's activities online, even when their children are trying to access sites that are off the Yahoo! network. These programs provide a robust mechanism for parents to oversee their children's online activities. For parents whose children access Yahoo.com through other providers, Yahoo! has a feature called "SafeSearch," which, when activated, is intended to prevent adult content from being displayed in response to search queries made by that user's Yahoo! account. In addition to SafeSearch, Yahoo! provides users with a number of features that allow them to customize their online experience, including tools to

¹ For more details on age-specific restrictions, see <http://help.yahoo.com/help/us/family>.

filter offensive language, set privacy preferences to block out conversations from unknown sources, and “ignore” specific users so they can stop receiving communications from anyone who harasses or offends them. Yahoo! educates its users on all of these features at a central site called our “Family Resource Center,” which can be found at <http://family.yahoo.com>. At our Family Resource Center, we also share safety and other helpful information and tools from our partners and other third party resources, such as NCMEC’s Netsmartz and GetNetWise.

Yahoo’s Efforts to Block, Screen and Report Abuse

Yahoo! has made a strong commitment to prevent illegal and/or abusive content on our networks. In addition to taking down illegal child pornography that is reported to us, we also enable users to report unwanted conduct to Yahoo! easily, report unlawful conduct involving children to NCMEC, and take affirmative steps to detect and remove child pornography from the Yahoo! network.

First, Yahoo! has strict Terms of Use and Community Guidelines that prohibit a wide range of harmful and abusive conduct, including any conduct that could harm minors. Second, Yahoo! has implemented a number of tools to make it easier for users to report violations of these policies, along with other types of unwanted and unwelcome interactions on the Yahoo! network. For example, Yahoo! has built a “report abuse” link into the frame of Yahoo! chat windows, webcam windows, and throughout the Yahoo! 360 service. “Report abuse” pages can also be found through Yahoo! Help. Users who see or receive illegal or unwanted communications can use these links to report the misconduct to Yahoo!. Under Yahoo!’s internal procedures, reports are reviewed, accounts of violators are shutdown, and reports that indicate any activity involving child pornography or solicitation of a minor are given special handling. Such reports are escalated for reporting to NCMEC, as appropriate. Moreover, in order to make our customer reports more effective for NCMEC and law enforcement, Yahoo!

has engineered special tools to allow the exact nature of the reported interaction to be brought to the attention of the customer care agent, and may be subsequently available to law enforcement if a criminal referral is made. As evidence of our serious commitment to protecting children online, Yahoo! continues to implement these tools and policies into new products and services.

Third, Yahoo! also takes affirmative steps to detect and remove child pornography from the Yahoo! network. We have devoted resources to develop technical tools, which are used in conjunction with human resources to detect and deter illegal child pornography. Our targeted, multi-faceted approach combines technology, such as filters and algorithms, with customer reports and human editorial input. These methods are customized for, and targeted to, specific Yahoo! services in order to be as effective as possible.

Yahoo!'s Work with NCMEC To Improve the ISP Child Pornography Reporting Process

Perhaps most importantly, Yahoo! has a long history of working closely with NCMEC to continuously refine the child pornography reporting process and to help NCMEC accomplish its mission of preventing child abduction and sexual exploitation, finding missing children, and assisting victims of child abduction and sexual exploitation. To that end, Yahoo! has invested significant financial and human resources in developing systems for reporting child pornography to NCMEC and law enforcement. Beyond merely reporting a minimum amount of information to NCMEC, Yahoo! has proactively teamed with NCMEC to optimize the ability of law enforcement agencies to find and prosecute pedophiles. We meet regularly with NCMEC personnel to discuss reporting procedures, and have made specific technical changes to our products and services to better protect children online.

One particular example of such an improvement involves Yahoo!'s changing its systems to enable Yahoo! to report IP addresses of users who upload child pornography images to Yahoo! Groups and Yahoo! Photos. This was done in order to be able to provide information to

NCMEC that would enable NCMEC to make a speedy referral to the appropriate law enforcement entity and to allow that law enforcement entity to act on illegal conduct as quickly as possible. We also deactivate users who have been the subject of NCMEC reporting.

In addition, we have worked closely with other service providers through the United States Internet Service Provider Association (US ISPA) and with NCMEC to develop a set of Sound Reporting Practices for ISPs, which we follow. The Sound Practices fill an important gap in the law by establishing guidelines for service providers on what an appropriate report of an incident of child pornography should contain.

Yahoo is also a member of the Financial Coalition Against Child Pornography, a coalition of leading banks, credit card companies, Internet service companies, NCMEC, and the International Center for Missing and Exploited Children (ICMEC).² The Coalition's goal is to make it impossible to profit from selling child pornography within two years by sharing information about websites selling child pornography, and stopping any payments passing to those sites.

I would also like to note that Yahoo!'s support of NCMEC extends well beyond the area of child pornography reporting. Yahoo! participates in Amber Alerts, sponsors NCMEC's annual Hope Awards and Congressional Breakfast, hosts a micro-site for NetSmartz on Yahoo!igans!, and provides NCMEC sponsored search and other advertising placements on the Yahoo! network.

Yahoo! and Law Enforcement

In addition to working with NCMEC, Yahoo! supports law enforcement in child pornography investigations in a number of different ways within the framework of our Terms of

² The Coalition consists of 19 entities, including America Online, American Express, and PayPal.

Service, our privacy policy, and the trust of our users worldwide. First, Yahoo!'s compliance team is available 24 hours a day, 7 days a week to handle emergencies and respond to subpoenas, search warrants, and court orders. All alleged child exploitation cases are given priority handling.

In addition to conducting frequent training for its own compliance personnel, Yahoo! also provides information and training to law enforcement agencies. Yahoo! has created a Law Enforcement Compliance Manual to ensure that law enforcement personnel are familiar with Yahoo!'s policies, procedures, and systems, and clearly understand how to obtain the appropriate investigatory information in child exploitation cases. We have also trained law enforcement personnel who focus on protecting children (such as Internet Crimes Against Children (ICAC) investigators and child exploitation prosecutors) regarding the function and operation of Yahoo! systems. We regularly participate in and/or sponsor a number of law enforcement training events, including the National ICAC Conference in 2005 and 2006, the San Jose ICAC Conference in 2004, 2005 and 2006, and this year alone, four events for the American Prosecutor Research Institute. Yahoo! is also a member of the Virginia Attorney General's Youth Internet Safety Task Force.

Yahoo!'s Ideas for Building On Our Success Going Forward

While we are proud of the progress we have made on our network and working with our partners, we recognize that there is more work to be done to combat illegal activity against children online. We will continue our efforts on several fronts, by improving user education and outreach about safety, including safety features in our products and services, refining our internal processes for combating child pornography, and strengthening our relationships with key partners like NCMEC.

Let me tell you about one recent change: building on the success of Yahoo! UK's partnership with the Internet Watch Foundation (IWF), Yahoo! is taking steps to implement elements of the IWF process for our US-based service. The IWF manages and controls a database of URLs which IWF analysts have determined to be illegal child abuse images. Using that database, the IWF notifies companies in the UK who host URLs where illegal material is posted, and simultaneously notifies law enforcement. For sites not hosted in the UK, the IWF shares the list with UK service providers so that they can remove the URLs from their search services or take other appropriate measures. As of June 2006, Yahoo! is removing sites on the IWF list from both the Yahoo! UK and Yahoo.com search results.

There are two other specific areas where we think concrete advancements can be made in the fight to eliminate child pornography and child exploitation. First, Yahoo! supports the US ISPA proposal that NCMEC be authorized to issue preservation requests to Yahoo! and other ISPs. This would remedy the most glaring gap in current child pornography investigations. Currently, only government entities may issue mandatory requests for preservation of data under 18 U.S.C. 2703(f). The lack of preservation authority for NCMEC can result in a substantial delay between the time the ISP first reports child pornography to NCMEC and when the matter is subsequently referred to law enforcement and a preservation request is issued.

Second, Yahoo! agrees that other ISPs should follow US ISPA's Sound Practices for reporting to NCMEC. When the reporting statute was passed, the Department of Justice was given authority to issue regulations pertaining to NCMEC reporting. The Department of Justice has not yet issued regulations on this subject. To fill this gap, the ISPs who are members of US ISPA worked with NCMEC to develop the sound reporting practices which Yahoo! and other major ISPs follow. Many other ISPs do not follow these practices, creating gaps in the protective net. Having worked closely with NCMEC, we know that if other ISPs followed these

practices, law enforcement would be in a better position to pursue all of the cases referred to NCMEC, not just the cases from a select few providers.

CONCLUSION

The Internet offers extraordinarily rich and diverse opportunities for children all over the world – to learn, to play, to explore and to discover. Internet connectivity helps level the playing field for many children, removing disadvantages resulting from poverty, isolation or disability. Yahoo! takes great pride in knowing that its efforts, programs and services bring hope and opportunity to so many youth across our nation.

Of course, just as there are challenges in the off-line world, the Internet presents challenges and threats of its own, reflecting the diverse and inconsistent motivations of the people who use it. Through the activities described in this testimony, Yahoo! has tried to make the Internet a safer place for children. While there will always be people who commit crimes online, just as there are those who do so in the real world, Yahoo! hopes that its actions make it less likely that people can abuse this vital medium to harm children, and that if they do, they will be identified, investigated and punished.

I look forward to working with the Members of this subcommittee to protect children in the online world. Thank you for the opportunity to testify today.