



Ixquick Short Public Report

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Customer: Surfboard Holding B.V.

Author: Certified Secure
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1. Certified Secure

Certified Secure exists to encourage and fulfill the growing interest in IT Security knowledge and skills. We stand for openness, transparency and the sharing of knowledge; making sure everybody can experience and enjoy IT security.

- 5 All Certified Secure certifications, products and training are developed by IT security professionals with international recognized expertise. Our involvement in the IT security community worldwide, ensures relevant and high-quality standards.

2. Borking Consultancy

- 10 Borking Consultancy is a private, independent micro SME (one employee Dr. J.J. Borking Director/Owner) established in 2002, having its legal domicile at Wassenaar (The Netherlands) and registered at the Chamber of Commerce of The Hague (Kamer van Koophandel Haaglanden) (The Netherlands) under number 27249622. Its main activities are: advising national and international governmental and commercial organizations on privacy and computer law, the deployment of privacy by design and privacy enhancing technologies (PET) and alternative dispute resolution, carrying out contract research in the areas mentioned before (inter alia EU funded research) and acting as ICT arbitrator, mediator and privacy auditor. Delivered products are advices, reports and verdicts / legal opinions.

3. Introduction

- 20 This short public report provides a summary of the privacy evaluation of the Ixquick service. The evaluation is based on an on-site audit, documentation, review of contracts and interviews with the management, a system administrator and a programmer. John Borking from Borking Consultancy performed the legal part of this evaluation, the technical part is performed by Frank van Vliet of Certified Secure.

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4. Short Public Report

5 This chapter contains the short public report formatted according to the template provided in the EuroPriSe Short Public Report Template 2010/05. The heading numbers are copied from this template.

1 Name of the IT-based service:

Ixquick™ meta-search engine on ixquick.com and startpage.com as provided in February of 2013.

2 Provider of the IT-based service:

10 Name (company name): Surfboard Holding B.V.
KVK: Utrecht, 34111280
Dutch Data Protection Authority Number: m1346973
Address: Postbus 1079, 3700 BB Zeist, The Netherlands
Contact person: Alexander van Eesteren

15 3 Date and time of evaluation:

November 19th 2012 – March 11th 2013

4 Address of the legal expert:

Name (company name): Borking Consultancy
Address: Lange Kerkdam 27, 2242BN, Wassenaar, The Netherlands
20 Contact person: John Borking (jborking@xs4all.nl)

Address of the technical expert:

Name (company name): Certified Secure B.V.
Address: Loire 128-A, 2491AJ, The Hague, The Netherlands
Contact person: Frank van Vliet (frank.vanvliet@certifiedsecure.com)

25 5 Certification body:

Name (company name): Unabhaengiges Landeszentrum für Datenschutz
Address: Holstenstr. 98, 24103 Kiel, Germany
Email: euoprise@datenschutzzentrum.de

6 Specification of the Target of Evaluation (ToE)

30 The Target of Evaluation consists of the Ixquick service, which allows users to search the Internet for web pages, images and videos using multiple search



engines (this is called meta-search). Furthermore, the Ixquick service provides users with a proxy to view the found web pages anonymously. Not part of the Target of Evaluation is the International Phone Directory.

5 The Ixquick service is provided via two different web sites: ixquick.com and startpage.com. All two sites are part of the Target of Evaluation. It has been checked by the experts that the use of the different web sites results in the same processing operations on personal data and that data is safeguarded by the same technical and organisational measures.

10 The communication from the user to the web sites is not part of the Target of Evaluation, as this communication uses the Internet. Users can use HTTPS to securely connect to the Ixquick service.

7 General description of the IT-based service:

15 Ixquick is a meta-search engine, based in the Netherlands. The evaluated functionality is the meta-search engine, which combines multiple individual search engines into a weighted average, producing more relevant search results for web, images and videos. Furthermore, the Ixquick service provides a proxy service for anonymously viewing the results. The Ixquick service is branded in two domains (ixquick.com and startpage.com), using the same systems but a different look and feel. Ixquick especially focuses on protecting the privacy of its users. The phone search offered by Ixquick is not part of this privacy certification.

8 Transnational issues:

25 The Ixquick service is offered worldwide; it is native in 17 languages. The servers are located in The Netherlands and California, USA and users are directed to the nearest servers. In case of failure or overload of the servers in one location, the users are automatically transferred to the other location. The European Legislation is applicable irrespective of the servers' location.

9 Tools being used by the manufacturer of the product:

30 At the time of evaluation, all systems use CentOS release 6.3, kernel 2.6.32-279.22.1.el6, ipvs 1.25-10.el6, openssl 1.0.0-25.el6_3.1, apache 2.2.23, perl v5.10.1-127.el6, bind 9.8.2-0.10.rc1.el6_3.6.

10 Edition of EuroPriSe criteria used for the evaluation:

2010/11

11 Evaluation results

35 *Data Minimalisation*

The most important personal data that is processed by Ixquick are the keywords the Ixquick users search for, named search terms. When search



5 terms are personally identifiable, meaning it is possible to link search terms to the same user, the privacy of that user is compromised. AOL provided a clear example of this in August 2006, disclosing the search terms of over 650000 users. No IP addresses or other information was disclosed, only the search terms and an identification number of the user that searched for them. The actual identity of some users could be found using only their search terms.

10 To protect the privacy of Ixquick's users, the search terms, IP addresses, and any other information identifying the user are not stored in the log files. IP addresses of users that are performing an excessive amount of searches (using automation tools) are added to a blacklist to prevent these users from accessing the Ixquick service and ensure the Ixquick service remains functioning.

15 Since the Ixquick service depends on third party search engines for its search results, it must submit the search terms to these third party search engines. To protect the privacy of its users, the search terms are transmitted without any identification of the actual user. From the third party search engines point of view, all searches are performed by Ixquick without any indication of the Ixquick user initiating the search.

20 When using the proxy, or searching for images and videos, the actual web pages, images and videos the user views are stored temporary (no longer than one hour) on the Ixquick servers. This allows the users to download these pages, images and videos from the Ixquick service, which in turn downloaded them from the actual web sites. Similar to third party search engines, the web sites receive requests generated by the Ixquick servers without any indication of the Ixquick user requesting the web page, image or video, thereby protecting the privacy of the users.

Cookies

30 No cookies are used by the Ixquick service with one exception, the preferences cookie. When users select preferences, they can choose to store these preferences in a link they can bookmark or to store them in a cookie. This anonymous cookie is only stored with consent of the user, and only contains the user's anonymous preferences (theme, language, font size, etc). The user has always the option to use a cookie, or to store the preferences in a link which can be bookmarked.

Documentation

40 The Ixquick websites provide its users with useful information about their privacy. The privacy policy describes accurately what information is processed and the reason for this. The Privacy Q & A section provides additional privacy-related information. These sections of the websites are found to be insightful and are a recommended read for all users. This information is linked prominently on the main page of the Ixquick service.



Both the Privacy Q & A and the Privacy Policy explain the primary and secondary data that is stored at the Ixquick servers. They furthermore explain the anonymization of this data.

Legitimacy of data processing

5 The controller of all personal data in the Ixquick service is Surfboard Holding B.V. All processing of personal data within the scope of this certification takes place on the Ixquick servers (located both in the EU and US) that are operated by Surfboard Holding B.V., established in The Netherlands.

10 Legal basis for the processing of user data (search terms, IP addresses etc.) is Article 7(f) of Directive 95/46/EC ("balancing of interests").

15 Part of the European traffic can temporarily be rerouted to the US servers (and vice versa). (cf. page 5, No. 8 ("Transnational Issues")). Directive 95/46/EC is applicable when users are rerouted to the Ixquick servers in the U.S, but on the transfer of the data to the servers in the US article 25 of the Directive 95/46/EC isn't applicable.

20 Ixquick caches images, videos and web pages for proxy requests. Ixquick's retention period of content in a cache is not longer than one hour. After one hour the cache content is automatically deleted. The objective of the caching is only for the necessity of technical availability. Ixquick doesn't execute any targeted caching for republication. There is no retrieval and grouping of information about a single person.

As republication isn't occurring, Surfboard Holding B.V. does not qualify as principal controller with regard to the content related processing of personal data that is taking place. Rather, it qualifies as intermediary only.

25 Directives 2002/58/EC and 2006/24/EC are not applicable in view of Ixquick, since Surfboard Holding B.V. does not qualify as provider of an electronic communications service: According to the Article 29 Working Party, search engines fall outside of the scope of the definition of electronic communications services unless they offer an additional service that falls under the scope of an electronic communications service such as a publicly accessible email service (cf. WP 148, page 12). Ixquick does not provide such an additional service at the present time

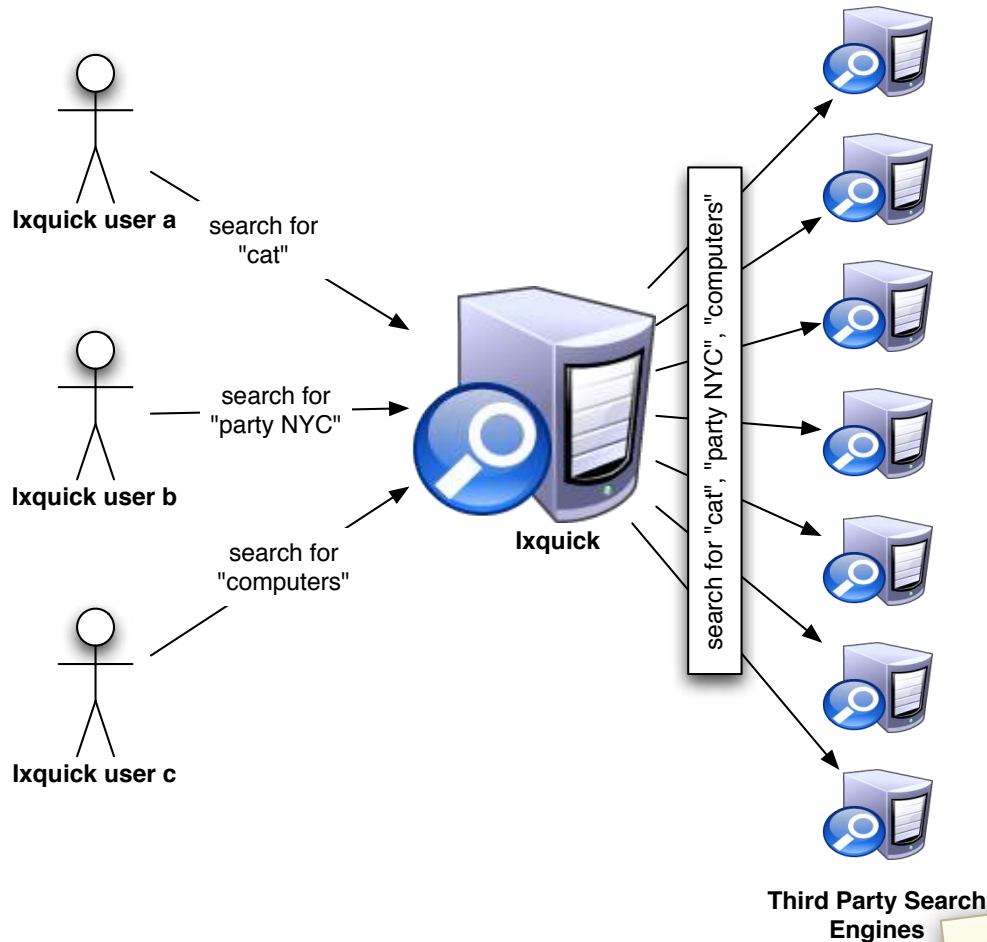
35 As far as the provisions of Directive 2002/58/EC concern the use of cookies: Ixquick will send the user a cookie if the user explicitly requests so. On the 'setting page' the user has to confirm this by clicking the link containing the text: "Saving your settings will set an anonymous 'cookie' in your browser that remembers the setting for your next visit. Thus the user explicitly gives his consent for the cookie."



12 Data flow

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The following figure illustrates the data flow of the Ixquick Service. In this figure, there are three users that use Ixquick for searching. Ixquick retransmits these search requests to several third party search engines, but does not identify to these search engines which user searched for which search terms.



The Third Party Search Engines think that Ixquick search for "cat", "party NYC" and "computers". They don't know which users of Ixquick actually searched for them.

13 Privacy-enhancing functionalities: How does the IT product or IT-based service enhance privacy?

10

The Ixquick service ensures privacy by using several data minimization and encryption (hashing) techniques. First, IP addresses and search terms are not stored at all, and any personal information contained in cached websites, images and videos is removed within one hour. All other information is removed after 14 days. Secondly, the involved third parties receive only strictly minimal



data they require, and the third parties are unable to identify the users of the Ixquick service.

14 Issues demanding special user attention:

5 No issues demand special user attention. Users are advised to read the insightful documentation to understand all privacy features of the Ixquick service.

15 Compensation of weaknesses:

This question is not applicable since the Ixquick service fulfills the requirements with grades "excellent" and "adequate".

10 **16 Decision table on relevant requirements**

EuroPriSe Requirement	Decision	Remarks
Data Avoidance and Minimisation	excellent	The Ixquick service ensures privacy by using several data minimization and encryption (hashing) techniques. First, search terms, IP addresses and User Agent information are not stored at all, and any personal information contained in cached websites, images and videos is removed within one hour. All other information (Visitation times, HTTP Request information, Preferences and Language) is not considered personal information as the user is not identified and is removed after 14 days. Secondly, the involved third parties receive only strictly minimal data they require, and the third parties are unable to identify the users of the Ixquick service.



Transparency	excellent	<p>The Ixquick websites provide its users with useful information about their privacy. The privacy policy describes accurately what information is processed and the reason for this. The Privacy Q & A section provides additional privacy-related information. These sections of the websites are found to be insightful and are a recommended read for all users.</p>
Technical-Organisational Measures	adequate	<p>The Ixquick service implements adequate technical-organisational measurements. These measurements are concerning the security of the servers and the various policies that are implemented in the organization to ensure the privacy of the users.</p> <p>Interesting measures implemented by the Ixquick service are the periodical security test performed by an external company and the anonymisation of users when communicating with third party search engines and web sites.</p>
Data Subjects' Rights	excellent	<p>Many requirements on the Data Subject's Rights are not applicable, since the Ixquick service collects as little as possible information. The only requirement in this section that is applicable is "Information of Data Subjects when data are collected from them".</p> <p>The Ixquick service provides users much information about the working of the service. Specifically, the concept of using multiple search engines is described in detail and there is a Privacy Q & A section as well as a detailed Privacy Policy.</p>



We affirm that the above-named IT product / IT-based service has been evaluated according to the EuroPriSe Criteria, Rules and Principles and that the findings as described above are the result of this evaluation.

5 Place, date

Den Haag, 2013-03-11

Signature of the technical expert

10

Place, date

Wassenaar, 2013-03-11

Signature of the legal expert

15

Certification Result

The above-named IT-based service passed the EuroPriSe evaluation.

20 It is certified that the above-named IT-based service facilitates the use of that product or service in a way compliant with European regulations on privacy and data protection.

Place, date

Signature of Certification Body

25