BORKING **C**ONSULTANCY

Certified Secure

Ixquick Short Public Report

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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

Borking Consultancy is a private, independent micro SME (one employee Dr. J.J.
10 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
15 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. Dr. J.J. Borking is a member of the advisory board of EuroPriSe and represents the EuroPriSe experts.

20 # 3. Introduction

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
25 evaluation, the technical part is performed by Frank van Vliet of Certified Secure.

4. Short Public Report

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 June of 2015.

2   Provider of the IT-based service:

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

3   Date and time of evaluation:

December 19th 2014 – June 11th 2015

4   Address of the legal expert:

Name (company name): Borking Consultancy

Address: Lange Kerkdam 27, 2242BN, Wassenaar, The Netherlands

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)

5   Certification body:

Name (company name): EuroPriSe Certification Authority

Address: Joseph-Schumpeter-Allee 25, 53227 Bonn, Germany

6   Specification of the Target of Evaluation (ToE)

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. Pages visited via the proxy are anonymously checked using the Yandex Safe Search Database to determine page safety.

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:

Ixquick is a meta-search engine, based in the Netherlands. The evaluated functionality is the meta-search engine, which combines multiple individual
15 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 with different back-end search engines and a different look and feel. Ixquick especially
20 focuses on protecting the privacy of its users.

8 Transnational issues:

The Ixquick service is offered worldwide; it is native in 17 languages. The servers are located in The Netherlands, California, and the state of New York and users are directed to the nearest servers. In case of failure or overload of the servers
25 in one location, the users are automatically transferred to the other location, unless a preference was set by the user to exclusively use servers from only one specific location. The European Legislation is applicable irrespective of the servers' location.

Surfboard Holding BV, the owner of Ixquick, has a contractual relationship with
30 Web Intensive LLC, having its registered office in New York that develops software for Ixquick, and is monitoring and doing maintenance work on the assets, equipment, servers, software, networks and other components relevant to the operation of Ixquick. Web Intensive LLC has a subsidiary in India that performs the abovementioned activities.

35 The required data export and data import agreement (Commisson Decision C(2010)593) has been duly signed by Surfboard Holding B.V., WebINTENSIVE Software LLC and its Indian subsidiary and checked on compliance.

9 Tools being used by the manufacturer of the product:

At the time of evaluation, all systems use CentOS release 6.6, kernel 2.6.32-504.12.2.el6, ipvs 1.26-4.el6, openssl 1.0.1e-30.el6_6.5, apache 2.2.29, perl 5.10.1-136.el6_6.1, bind 9.8.2-0.30.rc1.el6_6.2.

10 Edition of EuroPriSe criteria used for the evaluation:

2011/11

11 Evaluation results

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 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.

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.

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. To fully protect the anonymity of the user when searching for images and videos, the preview of the images and videos are always proxied. For images, the user then has the option to visit the page containing the image, to visit that page anonymously using the Ixquick proxy or to only view the image (which is always anonymous). For videos, the user is informed that a proxy option for viewing videos is not available and the user can chose to visit the video on Youtube or embedded in the search results

When using the proxy, the actual web pages, and images the user views are stored temporary (no longer than one hour) on the Ixquick servers. Likewise, the image and video previews are stored temporary (no longer than one hour) on the Ixquick servers. This allows the users to download these pages images and previews 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, or image, thereby protecting the privacy of the users.

Cookies

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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

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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.

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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

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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.

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").

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Part of the European traffic can temporarily be rerouted to the US servers (and vise 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.

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Ixquick caches images, video previews and web pages for proxy requests. Ixquick[1]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.

Management of Ixquick en Startpage is well aware of the Google Spain and Inc. v. Agencia Espanola de Proteccion de Datos (AEPD) and Mario Costeja Gonzalez (C-131/12) (the Google Case) and the Guidelines of the Article 29 Data Protection Working Party (WP 225) Adopted on 26 November 2014.

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Management accepts that it is considered as data controller within the meaning of article 2 of the Directive 95/46/EC and that there should be a fair balance between fundamental rights of the data subject and economic interests of the search engine.

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Users of Ixquick and Startpage are not obliged to contact the original website in order to exercise their rights towards the search engines. They are enabled to exercise their rights in accordance with the provisions of Directive 95/46/EC and the Dutch Data Protection Act (Wbp). When users request that some information on web pages may not be accessed from the search engine of Ixquick or Startpage in response to a specific person name-based query, such a request will be handled by management.

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Ixquick received since the Google Case 15 requests to delist person names in the search index and subsequently block the accessibility to this information.

Most of these requests have sent by post to the mailbox of Ixquick. The reaction time to the request is not more than a week. The request will be followed up the same day after processing the letter. In only 2 cases management has taken some more time considering the request on the interest of the public in having access to that particular information. The result was that also in these two cases the content has been blocked and removed from the search index.

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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

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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."

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12 Data flow

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

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search requests to several third party search engines, but does not identify to these search engines which user searched for which search terms.
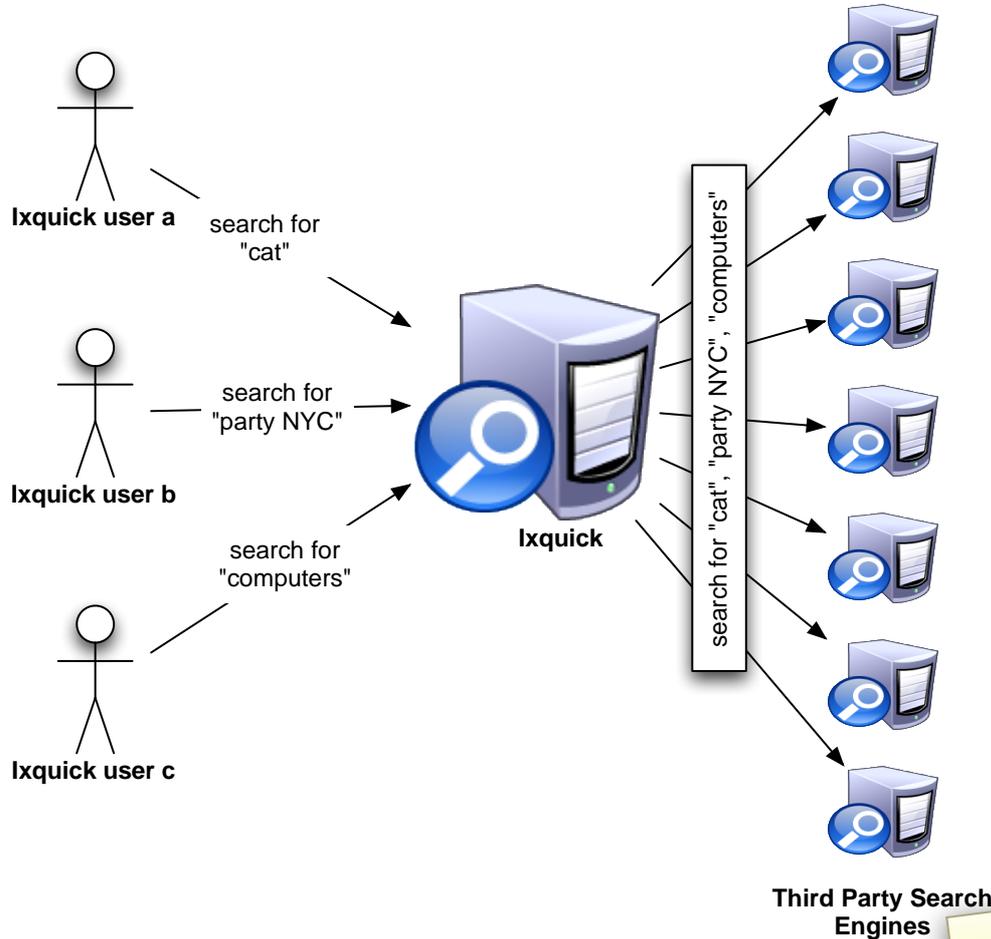
13 Privacy-enhancing functionalities: How does the IT product or IT-based service enhance privacy?

The Ixquick service ensures privacy by using several data minimization and encryption (hashing) techniques. First, search terms and IP addresses 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, User agents information, Preferences and Language etc.) 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.

14 Issues demanding special user attention:

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:

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

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	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.

Technical-Organisational Measures	adequate	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. 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.
Data Subjects' Rights	excellent	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". 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.

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.

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Place, date

Den Haag, 2015-06-30

Signature of the technical expert

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Place, date

Signature of the legal expert

Wassenaar, 2015-06-30

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Certification Result

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

10   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

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