

## **DECLARATION OF BREWSTER KAHLE**

I, Brewster Kahle, declare as follows:

1. I founded the Internet Archive in 1996, and serve as its leader, the Digital Librarian. Internet Archive is a 501(c)(3) non-profit corporation located in San Francisco, California. I have personal knowledge of the matters stated in this declaration and could competently testify to them if called as a witness.

### **Background on the Internet Archive**

2. The Internet Archive is an Internet library whose purposes include offering permanent access for researchers, historians, scholars, people with disabilities, and the general public to historical collections that exist in digital format. The Internet Archive may be accessed at the following URL:

<https://archive.org/>

3. The Internet Archive includes text, audio, video, and software, as well as archived web pages since 1996 for a service known as the “Wayback Machine,” which allows users to examine what web pages looked like at different points in the past.

4. As of February, 2015, the Internet Archive had 2,124,622 registered users. Registered users are able to create new objects on the Archive.

5. Anybody can access those objects without registration. In February, 2015, we receive access from approximately 3 million unique Internet addresses on any given day.

6. The Internet Archive transmits approximately 20 gigabits per second of data to our users. In order to serve our users and maintain our data, the Internet Archive operates approximately 50 petabytes of storage capacity (a petabyte is a million gigabytes).

7. The Internet Archive provides open and free access to literature and other writings and to the audio and video archives we maintain. We believe this open access policy is essential to education and to the maintenance of an open society.

### **Access to U.S. Federal Court Documents**

8. Since 2009, the Internet Archive has maintained a collection of U.S. Federal Court documents obtained from the government's Public Access to Court Electronic Records (PACER) system.

9. This collection was initially seeded with almost 20 million pages which Public.Resource.Org (Public Resource) provided after conducting an audit for and redaction of privacy information such as Social Security Numbers.

10. Since then, the system has continued to add additional data through the uses of the RECAP extension to the Firefox and Chrome web browsers, which allows PACER users to purchase and then contribute documents to the collection.

11. As of March, 2015, the Internet Archive collection consisted of documents from 1,126,266 cases.

12. As of March, 2015, the items in this collection have been accessed over 12 million times.

13. As of March, 2015, the Internet Archive collection consists of over 13 million files.

14. The Internet Archive would be delighted to host additional data under the experiment proposed by Public Resource and would make that available for use without restriction or fee to users on the Internet.

15. The Internet Archive would provide Public Resource with usage information on this collection that is consistent with our policies for usage log retention and the protection of the privacy of our users.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration was executed this 2 day of April, 2015 at San Francisco, California.

By

  
Brewster Kahle