

IBM

1H 2021 Law Enforcement Requests Transparency Report

For more than a century, IBM has earned the trust of our clients by responsibly managing their most valuable data, and we have worked to earn the trust of society by ushering powerful new technologies into the world responsibly and with clear purpose.

Trust is foundational to our company and how we engage with our clients. IBM's core principles for handling client data and insights and building trust in AI and emerging technologies are located here: <https://www.ibm.com/blogs/policy/trust-principles/>. IBM clients' data is their data, and their insights are their insights. Client data and the insights produced by IBM services or from IBM's AI are owned by IBM's clients. We believe that government data policies should be fair and equitable and prioritize openness.

IBM's commitments are longstanding, as highlighted in [our letter to our clients about government access to data](#). In 2020 IBM updated the standard client Data Processing Addendum to integrate the commitments in the letter into IBM's contracts. Those commitments are viewable in the [Local Data Protection Laws Covered by the DPA](#).

GOVERNMENT ACCESS TO DATA

IBM has not provided client data to any government agency under any surveillance program involving bulk collection of content or metadata.

Following the law, protecting client data

- In general, if a government wants access to data held by IBM on behalf of an enterprise client, we expect that government to deal directly with that client.
- We do not provide access to client data stored outside the lawful jurisdiction of any government requesting such data, unless the request is made through internationally recognized legal channels such as mutual legal assistance treaties (MLATs).
- If we receive a request for enterprise client data that does not follow processes in accordance with local law, we will take appropriate steps to challenge the request through judicial action or other means.
- If we receive a government request for enterprise client data that includes a gag order prohibiting us from notifying that client, we will take appropriate steps to challenge the gag order through judicial action or other means.
- We will continue to work closely with governments and clients to balance the protection of data with law enforcement's obligation to conduct lawful investigations of criminal activity.
- IBM supports measures to increase the transparency, oversight, and appropriate judicial review of government requests for data, including modernized international agreements on legal assistance.

TYPES OF INFORMATION REQUESTED

IBM Account Information

Requests for IBM account information concern basic subscriber contact information, such as name, email, business address, and IP address. Generally, IBM provides this contact information in response to valid law enforcement requests in order to enable the requestor to contact our client directly.

Client Data

Client data requests include the content given to IBM for processing, storage, or hosting. We treat requests for client data seriously and act in accordance with the belief that the client is the sole owner of their data and is the proper party to interact with the requestor. These types of requests are extremely rare for IBM because we cater to other companies and organizations, so we deal mainly with business data which is not generally the target of such requests.

For the period January 1, 2021, to June 30, 2021, IBM processed the following number of law enforcement requests:

Source of Request	Location of Information Requested	Information Requested			
		IBM Account Information	Requests Fulfilled	Client Data	Requests Fulfilled
USA	USA	13	13	0	0
Brazil	Brazil	3	3	0	0
India	India	2	2	0	0
India	Singapore	1	1	0	0
USA	Australia	1	1	0	0
USA	Hong Kong	1	1	0	0
USA	South Korea	1	1	0	0
Germany	Germany	1	1	0	0
Singapore	Singapore	1	1	0	0
The Netherlands	The Netherlands	1	1	0	0
Request for Information Not Held by IBM	Unknown	2	0	0	0
Total		27	25	0	0

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Produced in the United States of America
August 2021

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