

IBM 2H 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 belong to 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 July 1, 2021, to December 31, 2021, IBM processed the following number of law enforcement requests:

Source	Location of Information Requested	Information Requested			
		IBM Account Information		Client Data	
		Requests	Fulfilled	Requests	Fulfilled
US	US	11	11	0	0
India	India	5	4	0	0
Brazil	Brazil	2	2	0	0
Singapore	Singapore	2	2	0	0
US	Germany	1	1	0	0
US	Singapore	1	1	0	0
US	Canada	1	1	0	0
US	Brazil	1	1	0	0
US	Hong Kong	1	1	0	0
Singapore	Japan	1	1	0	0
Italy	Italy	1	1	0	0
Sweden	France	1	0	0	0
France	France	1	1	0	0
Japan	Singapore	1	1	0	0
Germany	Germany	1	1	0	0
Australia	US	1	0	0	0
Total		32	29	0	0

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