

IBM 1H 2023 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 [IBM Data Processing Addendum](#).

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 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 our enterprise clients give to IBM (i) for processing, storage or hosting, or (ii) metadata related to the client’s interaction with the service. We treat requests for client data seriously and act in accordance with the belief that the client 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, 2023, to June 30, 2023, IBM processed the following number of law enforcement requests pertaining to enterprise clients, in accordance with applicable laws:

| Source | Location of Information Requested | Information Requested | | | |
|--------------|-----------------------------------|-------------------------|-----------|-------------|-----------|
| | | IBM Account Information | | Client Data | |
| | | Requests | Fulfilled | Requests | Fulfilled |
| US | US | 3 | 3 | | |
| US | Unknown | 7 | 0 | | |
| US | Singapore | 2 | 2 | | |
| India | Singapore | 2 | 1 | | |
| US | Canada | 1 | 1 | | |
| US | US, South Korea | 1 | 1 | | |
| France | France | 1 | 0 | | |
| Total | | 17 | 8 | 0 | 0 |

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