



## Transparency Report

Government agencies, courts and parties in civil litigation regularly ask technology and communications companies for information about how a person has used the companies' services. Here are answers to commonly asked questions about how Google handles such requests. Please don't consider this legal advice, because it's not.

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## **Why might a government agency request my data?**

A variety of laws allow government agencies to investigate regulatory violations or criminal activity. Google receives requests for user data from government agencies investigating criminal activity, administrative agencies, courts and others.

## **What does Google do when it receives a legal request for user data?**

Respect for the privacy and security of data you store with Google underpins our approach to complying with these legal requests. When we receive such a request, our team reviews the request to make sure it satisfies legal requirements and Google's policies. Generally speaking, for us to comply, the request must be made in writing, signed by an authorized official of the requesting agency and issued under an appropriate law. If we believe a request is overly broad, we'll seek to narrow it. We notify users about legal demands when appropriate, unless prohibited by law or court order.

## **How many of these requests do you receive and comply with?**

You can find the numbers right in this report, including a [table of requests by country](#).

## **Why do you publish the Transparency Report?**

We publish this information to shine a light on how government actions can affect our users and the free flow of information online.

## **Has Google successfully narrowed requests before?**

Yes, we often successfully narrow the scope of requests. For example, in 2006 Google was the

only major search company that refused a U.S. government request to hand over two months' of user search queries. We objected to the subpoena, and eventually a court denied the government's request. In some cases we receive a request for all information associated with a Google account, and we may ask the requesting agency to limit it to a specific product or service.

## **In what situations wouldn't you tell me about a request for my information?**

We can't notify you if, for example, your account has been closed, or if we're legally prohibited from doing so. We sometimes fight to give users notice of a data request by seeking to lift gag orders or unseal search warrants.

## **I received an email from Google saying that someone has requested information related to my account. What does this mean?**

It means we've received a request to disclose information that's either stored in your Google account or associated with it. Just because we receive a request doesn't necessarily mean that we did—or will—disclose any of the requested information. We have a rigorous process for reviewing these requests against legal requirements and Google's policies. We notify users about legal demands when appropriate, unless prohibited by law or court order.

In these emails, Google will not ask you to provide any personal information such as a password or social security number. If you get an email purportedly from Google that asks for this type of information, don't provide it. The email is probably a scam, so please [report it to us](#).

## **What can I do about a request like this?**

We're sorry, but we can't give you legal advice. You might be able to contact the person or agency asking us for your data. Of course you may want to consult a lawyer.

## **Requests from inside the United States**

**Does a law enforcement agency in the U.S. have to use legal process to compel Google to provide user data or will a phone call be enough?**

The government needs legal process—such as a subpoena, court order or search warrant—to force Google to disclose user information. Exceptions can be made in certain emergency cases, though even then the government can't force Google to disclose.

## **What kinds of emergency cases?**

We'll voluntarily disclose user information to government agencies when we believe that doing so is necessary to prevent death or serious physical harm to someone. The law allows us to make these exceptions, such as in cases involving kidnapping or bomb threats.

## **What types of legal requests does Google receive from U.S. government agencies?**

By far the most common is the subpoena, followed by search warrants. A federal statute called the [Electronic Communications Privacy Act](#), known as ECPA, regulates how a government agency can use these types of legal process to compel companies like Google to disclose information about users. This law was passed in 1986, before the web as we know it today even existed. It has failed to keep pace with how people use the Internet today. That's why we've been working with many advocacy groups, companies and others, through the [Digital Due Process Coalition](#), to seek updates to this important law so it guarantees the level of privacy that you should reasonably expect when using our services.

## **What's the difference between a subpoena, a search warrant and a court order under ECPA? And what information can a government agency get from Google with each?**

It's complex, but here's a summary of the different forms of legal process covered by ECPA:

### **Subpoena**

Of the three types of ECPA legal process, the subpoena has the lowest threshold for a government agency to obtain. In many jurisdictions, including the federal system, there is no requirement that a judge or magistrate review a subpoena before the government can issue it. A government agency can use a subpoena to compel Google to disclose only specific types of information listed in the statute. For example, a valid subpoena for your Gmail address could compel us to disclose the name that you listed when creating the account, and the IP addresses from which you created the account and signed in and signed out (with dates and times). Subpoenas can be used by the government in both criminal and civil cases.

On its face, ECPA seems to allow a government agency to compel a communications provider to disclose the content of certain types of emails and other content with a subpoena or an ECPA court order (described below). But Google requires an ECPA search warrant for contents of Gmail and other services based on the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable search and seizure.

## Court Order

Unlike for an ECPA subpoena, obtaining an ECPA court [Send Feedback](#) s judicial review. To receive an ECPA court order, a government agency must present specific facts to a judge or magistrate demonstrating that there are reasonable grounds to believe evidence of a crime or contraband will be found within the requested information.

With such a court order, a government agency can obtain the same information as a subpoena, plus more detailed information about the use of the account. This could include the IP address associated with a particular email sent from that account or used to change the account password (with dates and times), and the non-content portion of email headers such as the "from," "to" and "date" fields. An ECPA court order is available only for criminal investigations.

## Search Warrant

The threshold is higher still for an ECPA search warrant. To obtain one, a government agency must make a request to a judge or magistrate and meet a relatively high burden of proof: demonstrating "probable cause" to believe that contraband or certain information related to a crime is presently in the specific place to be searched. A warrant must specify the place to be searched and the things being sought. It can be used to compel the disclosure of the same information as an ECPA subpoena or court order—but also a user's search query information and private content stored in a Google Account, such as Gmail messages, documents, photos and YouTube videos. An ECPA search warrant is available only in criminal investigations.

## **What kinds of data do you disclose for different products?**

To answer that, let's look at four services from which government agencies in the U.S. commonly request information: Gmail, YouTube, Google Voice and Blogger. Here are examples of the types of data we may be compelled to disclose, depending on the ECPA legal process, the scope of the request, and what is requested and available. If we believe a request is overly broad, we will seek to narrow it.

### Gmail

### Subpoena:

- Subscriber registration information (e.g., name, account creation information, associated email addresses, phone number)
- Sign-in IP addresses and associated time stamps

### Court Order:

- Non-content information (such as non-content email header information)
- Information obtainable with a subpoena

### Search Warrant:

- Email content
- Information obtainable with a subpoena or court order

## YouTube

### Subpoena:

- Subscriber registration information
- Sign-in IP addresses and associated time stamps

### Court Order:

- Video upload IP address and associated time stamp
- Information obtainable with a subpoena

### Search Warrant:

- Copy of a private video and associated video information
- Private message content
- Information obtainable with a subpoena or court order

## Google Voice

### Subpoena:

- Subscriber registration information
- Sign-up IP address and associated time stamp
- Telephone connection records
- Billing information

Court Order:

- Forwarding number
- Information obtainable with a subpoena

Search Warrant:

- Stored text message content
- Stored voicemail content
- Information obtainable with a subpoena or court order

Blogger

Subpoena:

- Blog registration page
- Blog owner subscriber information

Court Order:

- IP address and associated time stamp related to a specified blog post
- IP address and associated time stamp related to a specified post comment
- Information obtainable with a subpoena

Search Warrant:

- Private blog post and comment content
- Information obtainable with a subpoena or court order

## **Requests from outside the United States**

### **How does Google respond to requests from government agencies outside the United States?**

Using Mutual Legal Assistance Treaties (MLATs) and other diplomatic and cooperative arrangements, non-U.S. agencies can work through the U.S. Department of Justice to gather evidence for legitimate investigations. In some cases, the U.S. Federal Trade Commission may be able to provide assistance.

If U.S. law is implicated in the investigation, a U.S. agency may open its own investigation and provide non-U.S. investigators with evidence gathered. Google may also disclose data in

response to emergency disclosure requests when we believe that doing so is necessary to prevent death or serious physical harm to someone.

On a voluntary basis, we may provide user data in response to valid legal process from non-U.S. government agencies, if those requests are consistent with international norms, U.S. law, Google's policies and the law of the requesting country.

## **What information might a government agency outside of the United States get from Google with various legal processes?**

If a non-U.S. agency goes through a diplomatic process like MLAT to obtain a U.S.-issued ECPA subpoena, court order or search warrant, Google would produce the same information as if the request originated directly from a U.S. agency. In cases where Google honors legal process issued directly from the non-U.S. agency, the information disclosed could include, for example, Google or YouTube account registration information (name, account creation information and associated email addresses) and recent sign-in IP addresses and associated time stamps.

## **What is a mutual legal assistance treaty (MLAT)?**

An MLAT is a treaty between the U.S. and another country that defines how each country will help each other in legal matters such as criminal investigations. Through an MLAT, a foreign government can ask the U.S. government for help in obtaining evidence from entities in the U.S., including companies like Google. If the U.S. government approves the request, Google would respond to it.

## **How does MLAT work?**

The MLAT process is fairly simple. Here's a hypothetical example: A police officer in London is investigating a case of identity theft and has evidence that the culprit has a particular Gmail account. To continue her investigation, the officer needs to know who the user is. Since there is an MLAT between the U.K. and the U.S., the officer can ask the U.K. Home Office to request information from the Office of International Affairs in the U.S. Department of Justice. The U.S. Department of Justice hands the request to the appropriate U.S. Attorney's office, which works through U.S. legal process and serves the user data request to Google. If the request satisfies the law and Google's policies, we would provide the information to the U.S. Attorney's office, and from there it would find its way to the officer in the U.K.

## **Is the MLAT the only way for governments outside the U.S. to get**



## **information from U.S. companies?**

No. There are many ways that other countries can obtain information from companies like Google outside of the MLAT process, including joint investigations between U.S. and local law enforcement, emergency disclosure requests and others.