Shopify Legal Requests for Information Whitepaper

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Disclaimer

This document is provided for informational purposes only. Its contents are subject to change. The information in this whitepaper does not modify any existing contractual arrangements and may not be construed as legal advice. Nothing in this document shall be construed as a waiver of any right or privilege and Shopify reserves the right to modify this document at any time.

Introduction

Shopify provides ecommerce infrastructure services that enable merchants to unify their commerce activities. Shopify supports merchants who in turn interact with millions of customers across the globe. Some of these merchants (or their customers) occasionally find themselves involved in matters that lead to a request for information about a particular merchant, store, or transaction.

Shopify provides specific instructions for third-party requests for information in our Guidelines for Legal Requests for Information. This whitepaper provides additional detail about Shopify's approach to third-party requests for information. For first-party requests (if you are seeking information about yourself), please consult our Privacy Policy for more information. If you are a regulator or law enforcement seeking to submit a notice-and-takedown request, please select the Takedown Request option in our Legal Access Request form. If you are a member of the public, please submit your notice using our Report a Merchant form.

Terminology

Throughout this document and in our communications with requestors, we may use particular terms in describing our business. We use these terms in the manner described below, even though they may have different uses and meanings in other contexts:

- "Merchants" are the third-party businesses who use Shopify's tools or services to power their stores.
- "Customers" are people who visit or make a purchase from a Merchant's store.
- "Consumers" are people who use Shopify's Shop app or have a Shop Pay account.
- "Partners" are third parties who are members of the Shopify Partner Program and provide services to Merchants such as: developing apps or themes that can be used in a Merchant's store; helping Merchants build or set up their stores; building third party integrations with other platforms; or referring potential entrepreneurs looking to become a Merchant.

Our principles

Shopify is committed to protecting the privacy and confidentiality of our Merchants, Customers, Partners, and anyone else who entrusts us with their information.

When Shopify receives a legal request for information, we must balance our legal obligations, the requesting party's needs, and the interests of our Merchants, their Customers, and our Partners. These are the principles that guide us when we respond to legal requests:

- When a third party requests identifiable non-public information (such as personal or financial information about a Merchant), we will only share this information in response to valid and enforceable legal process in accordance with the remainder of the provisions of this Whitepaper, and we will take appropriate steps to minimize the amount of information that we disclose to satisfy the request. We will generally refuse to disclose non-public information if the legal request or court order is addressed to the wrong Shopify entity or address, or is issued by an entity that lacks jurisdiction over the Shopify entity that has possession of the responsive information.
- We will notify affected individuals and entities before we produce information about them unless we are legally prohibited from doing so.
- When a third party requests information, we will only provide the specific information sought in the request. We will interpret requests for "all information" consistent with the principles described in the Guidelines.
- When a third party requests information about a Merchant's Customers, we will first instruct the requestor to obtain that information directly from the Merchant, unless the requestor demonstrates that:
    - The requestor cannot obtain the data directly from the Merchant due to the Merchant being under a criminal investigation that would be jeopardized by the Merchant being made aware of the request; or
    - The Merchant has been terminated by Shopify for fraudulent activity or for otherwise violating our Terms of Service and no longer has access to their Shopify account.
- Given that requests for information are often related to confidential investigations, we will not conduct a review of a Merchant's store or products absent a separate takedown request asking us to take such action.

How do I submit a legal request?

Shopify provides a Legal Access Request Portal for submitting legal requests for information. **All legal requests for information must be submitted through our online portal**.

Our online portal will guide you through the request submission process. After you login, please confirm the accuracy of the following autofilled information fields:

- Legal first name
- Legal last name
- Your email address

You will then be required to provide the following information:

- Jurisdiction of the requesting entity (select the applicable country)
- Requesting party
- Type of request (select the most relevant category from the list provided)
- Subject(s) of the request (for example, .myshopify web address, other domain address, business name, email address, or an individual's name)
    - For more timely responses, please provide the .myshopify web address if known.
    - Please note that Shopify may not be able to identify individuals by name (for example, Jane Smith) without additional identifying information. We will reach out to you for more information if we are unable to identify the subject of your request, but providing insufficient information may lead to processing delays.
    - **Please do not provide us with an individual's SSN/SIN, other government identification number, bank account number, payment card number, or date of birth as we are unable to search our systems using these identifiers.**
- If information is requested:
    - Please see What types of information does Shopify possess? In order for us to process your request, **you must specifically identify the information you are requesting with reference to the items described in this section.** We are unable to process requests that seek "all information" about an account. Failure to specify the particular information sought may result in processing delays.
- If a takedown is requested:

    - Complete the takedown request form with as much detail as possible about the law(s) you believe the subject of the request is violating. **Please note, Shopify typically forwards takedown requests to the subject of the request for their response.**

- Complete declarations and sign your electronic signature.

Once you submit the form, an email will be sent to the email address you have provided asking you to attach the supporting documentation for your request. Please upload documentation to complete your submission. Please make sure any relevant documents include the correct address for the Shopify entity to which the request is addressed (see What are the addresses for the Shopify entities that possess data? for more information).

Once your request has been submitted, you will be emailed a ticket reference number that you will need to include in your communications with us: this will allow you to send us additional information, submit additional documents, ask us questions, and download the information when it is available. It is your responsibility to download and safeguard the information that has been provided. For security purposes, Shopify routinely purges productions shortly after delivery.

When we receive a legal request for information, we review the following factors, discussed further below, to ensure that each request is legally and procedurally valid:

- Type of legal request;
- Shopify entity and address;
- Type of information requested;
- Jurisdiction and authority of requestor; and
- Law or court order that legally prohibits disclosure of the request to the subject (i.e., if secrecy is requested).

Please be aware that submitting a legal request through our online portal **does not satisfy your obligation to provide documentation of a legally valid request, nor does it waive Shopify's right to object to the request after review.**

What types of information does Shopify possess?

In order for us to respond to your request, you must specifically identify the type of information you are seeking and the proper Shopify entity that controls that information when you submit your request through our Legal Access Request Portal.

We cannot respond to requests directed to “Shopify” or “shopify.com” – you must specify one of our corporate entities and the correct address for the relevant entity. The proper entity often depends on the location of the specific Merchant or Partner that is the subject of your request. See “What are the addresses for the Shopify entities that possess data?” below. Please also ensure that the requesting entity has jurisdiction to compel the targeted Shopify entity to produce the information (see Jurisdiction for more information).

Please use the specific defined categories and the proper legal entity identified below when making your request:

Store information

- **What may be included?** Non-public information relating to a specific store, such as store transactions/order history (without Customer information), invoices for Shopify services rendered, method of payment for Shopify services, connected bank account(s), product lists, , payout information (if using Shopify Payments), tax documents, contracts between the store and Shopify, and apps installed on a store.
- **Which entity possesses it?** The Shopify entity that processes information in the Merchant’s location. For Merchants with a registered address in Canada or the United States, Shopify Inc. possesses the data. For APAC jurisdictions (including Australia, New Zealand, China, Japan, and Singapore), Shopify Commerce Singapore Pte. Ltd possesses the data. For all other jurisdictions (including Europe, the Middle East, Africa, South America, the Caribbean, and Mexico), Shopify International Ltd. possesses the data.

Merchant or Partner information

- **What may be included?** Information about the identity of a specific Merchant or Partner as an individual, such as their name, listed address, phone number, email address, IP addresses, and any staff members on their account. This information is generally protected under applicable privacy and data protection laws, and provision of information may be subject to particular restrictions or protection.
- **Which entity possesses it?**
    - **For Merchants**, the Shopify entity that processes information in the Merchant’s location is the entity that possesses the information. For Merchants with a registered address In Canada or the United States, Shopify Inc. possesses the data. For APAC jurisdictions (including Australia, New Zealand, China, Japan, and Singapore), Shopify Commerce Singapore Pte. Ltd possesses the data. For

all other jurisdictions (including Europe, the Middle East, Africa, South America, the Caribbean, and Mexico), Shopify International Ltd possesses the data.

- **For Partners**, Shopify Singapore Commerce Pte Ltd. possesses this information for Merchants in the APAC region. For all other Partners, Shopify Inc. possesses this information.
- Please note that Shopify **does not control the flow of funds to a Merchant**—this is done independently by the payment processor used by the Merchant (if they are using Shopify Payments, this is primarily handled by our partners. The relevant third party can be identified in the Shopify Payments Terms for the Merchant's jurisdiction. Merchants are not entitled to any revenues from transactions until their funds clear the credit card settlement process and their payment processor deposits funds into a Merchant's bank account. Accordingly, **we cannot garnish receivables or apply liens or levies, even on money generated through Shopify Payments—you must seek assistance directly from the payment processor.**

Information about Shopify's apps and services for Merchants

- **What may be included?** Information associated with specific Shopify services (such as Shopify's Financial Tools for Merchants, Shopify POS, Shopify Markets, and Shopify Inbox), or our corporate websites.
  - Please note that Shopify will not ordinarily consider a request to seek information associated with one or more of these services unless specifically identified.
  - Our policy exceptions on jurisdiction related to third-party requests for Merchant information (discussed below) do not apply to Shopify internal documentation and other information to which merchants themselves do not have access. Requestors must have jurisdiction over the possessing entity to compel production of this material.
- **Which entity possesses it?** Shopify Inc.

Information about Shopify's apps and services for Consumers

- **What may be included?** Information about consumers who use Shopify's apps and services, like Shop or Shop Pay. For these services, we possess information about how an individual uses the service, their account registration information, and when someone uses Shop Pay, their stored payment information. This information is generally protected

under applicable privacy and data protection laws, and provision of information may be subject to particular restrictions or protection.

    - Please note that Shopify will not ordinarily consider a request to encompass information associated with one or more of these services unless the relevant service is specifically identified.

    - Our policy exceptions on jurisdiction related to third-party requests for Merchant information (discussed below) do not apply to information about consumers and their use of the services. Requestors must have jurisdiction over the possessing entity to compel production of this material.

- **Which entity possesses it?** For Consumers located in Canada or the United States, Shopify Inc. possesses the data. For APAC jurisdictions (including Australia, New Zealand, China, Japan, and Singapore), Shopify Commerce Singapore Pte. Ltd possesses the data. For all other jurisdictions (including Europe, the Middle East, Africa, South America, the Caribbean, and Mexico), Shopify International Ltd possesses the data. .

Jurisdiction

We ask the requesting entity to identify its basis for jurisdiction with respect to the request. In general, our policy is to respond to requests made when **the requesting entity has jurisdiction over the Shopify entity that possesses the information.** A Shopify entity may respond to requests issued by courts or authorities in the country where the Shopify entity is located. For example, because Shopify Inc. is a Canadian entity, it may provide information it possesses in response to an order issued by a Canadian court, or a warrant issued by a Canadian authority, of competent jurisdiction.

As an exception, we may also provide Merchant information in a Shopify entity's possession if the requesting entity has jurisdiction over a Merchant, and the information would be producible directly by that third party. For example, even though Shopify International Limited is incorporated in Ireland, it may provide information about a Merchant with a registered address in France in response to a valid request from a French Authority, where the Merchant itself would be subject to the French authority and could itself be compelled to produce the same information.

If the situations described above do not apply (i.e., the relevant Shopify entity and the relevant Merchant or Partner are located outside of your jurisdiction), then you will need to go through the Mutual Legal Assistance Treaty ("MLAT") or Letters Rogatory process to have your request issued by an authority from the country in which the relevant Shopify entity is located.

Objections

Shopify will ordinarily object to requests in the following circumstances:

- The requesting entity does not have legal authority to issue the request.
- The requesting entity does not have jurisdiction over the Shopify entity from which it is requesting information.
- The requesting entity has requested secrecy without citing a law that prohibits disclosure of the request to the Merchant.
- Other circumstances where Shopify is obligated to object (for example, pursuant to contractual arrangements).

Requests from the United States

As noted above, Shopify ordinarily only responds to requests that are made by an entity that has jurisdiction over the Shopify entity that possesses the information requested. Please note that while we have a few subsidiaries incorporated in the United States, **those entities usually do not have possession of information that is likely to be responsive to legal requests.** For example, Shopify (USA) Inc. provides services and support to various aspects of Shopify Inc.'s business but Shopify (USA) Inc. does not have possession of Store, Merchant, Partner, or Customer information. Similarly, Shopify Technology (USA) Inc. does not possess Store, Merchant, Partner, or Customer information. Shopify Payments (USA) Inc. has access to limited Merchant and Customer information if the Merchant is located in the United States and is using Shopify Payments. Requests for general Store, Merchant, or Customer information for US Merchants should be directed to Shopify Inc.

Shopify applies the same limited jurisdictional exception to information that would be producible directly by a third party that is described above. With respect to requestors in the United States, Shopify applies this exception on a state-by-state basis. For example, Shopify may provide information producible by a New York Merchant to an entity with jurisdictional authority in New York and that has authority to compel a third party to produce information. In that scenario, a US-based requestor located outside New York would need to issue or domesticate the request in New York or in Canada (where Shopify Inc. is located). For purposes of this exception, Shopify typically treats US federal law enforcement and regulatory entities as having nationwide jurisdiction.

Frequently asked questions

Does Shopify possess or control Merchant funds on deposit?

No. Merchant funds are controlled by third parties and Shopify does not have control over a Merchant's revenue, even if the Merchant uses Shopify Payments as a payment processing service. We offer Shopify Payments together with third parties and acquiring banks that have relationships with those third parties. Merchants using Shopify Payments are not entitled to any funds associated with Merchant transactions until such funds clear the credit card settlement process and are **deposited by our third party payment partners (identified in the relevant Shopify Payments Terms for the Merchant's location), and their respective acquiring banks** into the Merchant's bank account. Accordingly, we do not have the ability to garnish receivables generated through Shopify Payments. Any UCC liens, tax levies, garnishments, and other requests for Merchant money processed through Shopify Payments should be therefore directed to the relevant third party(ies).

Does Shopify store Merchant bank account or payment card numbers?

Sometimes. Shopify only stores a Merchant's bank account number if the merchant has provided the number when setting up Shopify Payments, has agreed to receive Shopify Capital, or is a US-based merchant that has set up a Shopify Balance account. Shopify does not store a bank account number if a Merchant is not using any of Shopify's financial offerings.

Shopify stores a Merchant's payment card information in limited circumstances, depending on how the Merchant utilizes Shopify's services. Our payment partners are usually best placed to answer these types of requests.

Does Shopify store Customer payment card numbers?

No. If a Customer makes a non-recurring purchase on a Merchant's storefront, Shopify does not store a Customer's payment card information even if the Customer uses Shopify Payments to purchase the product. If a Merchant's Customer uses Shopify Payments to make a purchase, their payment card information is processed through our third party payment partners (identified in the relevant Shopify Payments Terms for the Merchant's location)

Shop Pay, however, may in some instances have a Customer payment card number. If a Customer has a Shop Pay account and has vaulted their credit card in their Shop Pay account, Shopify can retrieve this information in some situations. To obtain this information if available, Requestors must specifically ask for Shop Pay data in their request and have jurisdiction over Shopify Inc., who possesses the information.

Will Shopify notify affected Merchants, Customers, or Partners before disclosing information?

Yes. Unless we are legally prohibited from doing so, we will notify the affected Merchant, Customer, or Partner. You must notify us if there is a legal prohibition on notification, or if you have obtained or intend to obtain a court order preventing notification. **If you do not notify us of any such order or prohibition, we will default to notifying the affected Merchant, Customer, or Partner.** If the Merchant, Customer, or Partner informs us that they intend to seek an order blocking production, we will inform you promptly.

Additionally, if in the course of responding to a request we conclude that a particular store may be violating Shopify's policies, we may decide to terminate the store. **Please inform us if doing so would jeopardize an ongoing matter or if we should not do so for some other legal reason.**

Does Shopify charge anything to respond to a legal request?

Shopify reserves the right to seek reimbursement for the costs associated with responding to legal requests (where permitted by law).

How does Shopify handle data preservation orders?

We generally keep a Merchant's store data for the lifetime of a store, and do not require a preservation order to maintain this data while a store remains active. We purge personal information within 90 days of a store's deactivation, after which the identifiable information is no longer capable of being recovered. We ordinarily delete other identifying information from stores 2 years after they become inactive. If you require specific information to be preserved, please send us a preservation order with a discrete list of data to preserve. Please note that we are not able to archive an entire store or recreate how that store appeared to visitors on a given date.

What are the addresses for the Shopify entities that possess data?

In order for us to properly respond to your request, any relevant documents in support of your request must identify the proper entity that possesses the information you are requesting and the correct address of that entity. Please see What types of information does Shopify possess? to determine which Shopify entity possesses the information you are seeking and below for the correct address for each entity:

Shopify Inc.
ATTN: Regulatory Legal Team
151 O'Connor Street
Ground Floor
Ottawa, ON K2P 2L8
Canada

Shopify International Ltd.
ATTN: Regulatory Legal Team
c/o Intertrust Ireland
The Sidings 4th Floor
Grand Canal Quay
Dublin 2 D02 E7K8

Shopify Commerce Singapore Pte Ltd.
ATTN: Regulatory Legal Team
c/o Intertrust Singapore
77 Robinson Road
#13-00 Robinson 77
Singapore 068896

Shopify Payments (USA) Inc.
ATTN: Regulatory Legal Team
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, Delaware 19808
United States

Transparency report

For data on how many requests for information we receive, please see our Transparency Report.