

Shopify Legal Requests for Information Whitepaper

July 8, 2022



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Disclaimer

This document is provided for informational purposes only. Its contents are subject to change over time. 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 offers a leading cloud-based, multi-channel commerce platform. Shopify supports more than a million merchants, who in turn interact with millions of customers across the globe. Some of these merchants (or their customers) occasionally find themselves involved in legal matters that lead to a legal request for information about a particular merchant, store, or transaction. Shopify also routinely receives requests from law enforcement and other government institutions for information in the context of investigations or enforcement of applicable laws.

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 your own information), please consult our [Privacy Policy](#) for more information about your right of access. For notice-and-takedown requests, please review this [guide](#) and then submit this [form](#) through our [Legal Access Request Portal](#).

Terminology

To better understand how Shopify approaches third-party information requests, it is helpful to be familiar with the following terms that we commonly use when talking about our business:

- “Merchants” are the businesses who use Shopify’s platform or services to power their stores in any capacity.
- “Customers” are people who visit or make a purchase from a Merchant’s store using the Shopify platform or services.
- “[Partners](#)” are third parties who 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 of our Merchants, Customers, Partners, and anyone else who entrusts us with their personal information.

When Shopify receives legal requests 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 demands identifiable non-public information (such as personal or financial information about a Merchant), we will not share this information absent an enforceable legal request, and we will take appropriate steps to minimize the amount of information that we disclose to satisfy the legally enforceable 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 a body that lacks jurisdiction over the Shopify entity that has custody and control over responsive information. If we object to a request, we will explain the problem and our view on how the issue could be resolved (if at all) to the requestor.
- 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 information directly related to the activity addressed in the request. Legal requests and court orders must specifically identify the activity about which information is sought.
- 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, who is the controller of that data. We will not provide information about that Merchant's Customers unless:
 - 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.
 - the Merchant has terminated their account with Shopify and affirmatively requests that Shopify send the Merchant's data to a third party.
 - the Merchant has been terminated by Shopify for fraudulent activity or otherwise violating our Terms of Service and no longer has access to their Shopify account.
 - the requestor has made significant, unsuccessful efforts to obtain the information from the Merchant, and Shopify, in its sole discretion, determines that the public

interest in disclosure of the requested information outweighs the risk of harm to the Merchant and/or Merchant's Customers.

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 how to submit a request. You will need to fill in the following required fields to submit your request:

- Your email address
- Nature of the request
 - Select the most relevant category from the full list provided in the portal.
- Shopify entity to which the request is addressed
 - Please note that Shopify cannot respond to requests directed to “Shopify” or “shopify.com”. You must specify one of our corporate entities. See [What Types of Information Does Shopify Control?](#) to determine which Shopify entity controls the information you are seeking.
- Subject(s) of the request (for example, myshopify domain address, other domain address, business name, email, or an individual's name)
 - If your request seeks information about multiple subjects, please add each individual subject as its own line item. Extra lines can be added by clicking on the plus sign next to the textbox.
 - Please note that Shopify cannot identify individuals with a common name (for example, Jane Smith) without additional information. We will reach out to you for more information if we are unable to identify the subject of your request. **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.** We are unable to search our systems for accounts based on this type of information.
- Information requested
 - Please see [What Types of Information Does Shopify Control?](#) for the types of information Shopify controls. You must specifically identify the information you are requesting.

- Name or title of the authority issuing the request (for example, the court that issued the subpoena or government agency that authorized the request)
- Jurisdiction of the requesting body
- Disclosure of the request
 - If your request must be kept permanently or temporarily confidential, please identify the statute, law, or regulation prohibiting disclosure and the timeframe for which your request must be kept confidential. Alternatively, you may upload a court or administrative order that prohibits disclosure of your request.
 - **If your request does not identify a statute, law or regulation or provide a court order prohibiting disclosure, we will notify the Merchant or Partner prior to producing.**
 - Please note that we will not notify the subject upon receipt of a grand jury subpoena.

You may also complete any of the voluntary fields in the form to the extent those are applicable to your request. For example, you can provide a deadline for production or let us know whether your request is urgent.

Once you have completed the required fields, you will need to upload a copy of any relevant documents (for example, a copy of the legal request or takedown form) and verify your email address via the link sent to your email address. Please make sure any relevant documents include the correct address for the Shopify entity to which the request is addressed (see [What is the address for each Shopify entity?](#) for more information).

Our online portal also allows you to add information, submit additional documents, ask us questions, and download the information when it is available. Shopify does not maintain productions indefinitely -- it is your responsibility to download and safeguard the information that has been provided or notify Shopify of the length of time you request that Shopify maintain the production and the basis for your request.

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

- Statute, law, regulation, or court order that legally prohibits disclosure (if relevant).

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

What Types of Information Does Shopify Control?

In order for us to properly respond to your request, you must identify the type of information you require and the proper legal 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 subject to your request. If you are unsure of the proper entity, or if you name the wrong entity in your request, we can direct you to the appropriate Shopify entity that maintains the relationship with a particular Merchant or Partner. Please also ensure that the requesting body 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 is included?** Non-public information relating to a specific store, such as store revenues, countries into which a store has sold, invoices for Shopify services rendered, method of payment for Shopify services, connected bank account(s), product lists, store transactions (without Customer information), payouts (if using Shopify Payments), tax documents, contracts between the store and Shopify, and apps installed on a store. This information is generally protected under our contracts with our Merchants.
- **Which entity controls it?** The Shopify entity which processes information in the Merchant's location. You can find the specific contracting entity in our [Contracting Party Chart](#).

Merchant or Partner Information

- **What is 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.

- **Which entity controls it?** The Shopify entity which processes information in the Merchant's location. You can find the specific contracting entity in our [Contracting Party Chart](#).
 - Please note that Shopify **does not control the flow of funds to a Merchant**—this is done independently by the third-party payment processor used by the Merchant (even if they are using Shopify Payments, this is done by Stripe). Merchants are not entitled to any revenues from transactions until their funds clear the credit card settlement process and their payment processor deposits them into a Merchant's bank account (with no involvement from Shopify). As such, **we cannot garnish receivables or apply liens or levies, even on money generated through Shopify Payments.**

App Information

- **What is included?** Information about users of Shopify's apps and services, like [Shop](#) or [Shop Pay](#). For these services, we hold information about how the 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.
 - Please note that Shopify will not produce this information **unless the request specifically identifies one of these services.**
 - Please note that information held by third-party apps is in the custody and control of the third-party app developer, not Shopify.
- **Which entity controls it?** Shopify Inc.

Other Information

- **What is included?** Information associated with specific Shopify services (such as [Shopify Capital](#), [Shopify Exchange](#), [Shopify Inbox](#), [Oberlo](#), and [6 River Systems](#)), or our corporate websites.
 - Please note that Shopify will not produce this information **unless the request specifically identifies one of these services.**
- **Which entity controls it?** Shopify Inc.

Jurisdiction

We ask the requesting body to identify its basis for jurisdiction with respect to the request. In general, we will respond to requests made in one of the two following circumstances:

- 1. The requesting body is in the same jurisdiction as the Shopify entity that holds the data.** A Shopify entity may respond to requests issued by courts or authorities in the country in which the Shopify entity is located. For example, because Shopify Inc. is a Canadian entity, it may provide any information it holds in response to an order issued by a Canadian court or a warrant issued by a Canadian authority.
- 2. The requesting body is in the same jurisdiction as the targeted Merchant or Partner.** A Shopify entity may also respond to requests issued by courts or authorities in the jurisdiction in which the Merchant or Partner is located to the extent that it is legally permitted to do so. 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. Specific jurisdiction in the United States is determined on a state-by-state basis (see [Requests from the United States](#) for more information).

If the situations described above do not apply to you (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 legal requests in the following circumstances:

- The requesting body does not have the legal authority to issue the request.
- The requesting body does not have jurisdiction over the Shopify entity they are requesting information from, and is not in the same jurisdiction as the targeted Merchant or Partner.
- The requesting body does not have the legal authority to prohibit disclosure of the request.
- Other circumstances where Shopify is obligated to object, e.g., pursuant to contractual arrangements.

Requests from the United States

For requests made from the United States directed at a Shopify entity outside of the United States (for example, a request directed at Shopify Inc.), Shopify treats jurisdiction on a state-by-state basis in accordance with US law unless the requesting body has federal statutory authority. For example, Shopify may only provide information about a Merchant who has registered for our services in New York in response to a request from a New York State authority, or a federal authority with jurisdiction over New York. All US-based requestors located outside of New York would need to issue or domesticate the request in New York (the state in which the Merchant or Partner is located).

Please note that while we have a few subsidiaries incorporated in the United States, **those entities do not have control or custody 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, such as messaging and mobile applications that merchants can use to improve their marketing and customer service as well as providing support for shipping-related services. Shopify (USA) Inc. does not enter relationships or contracts with Merchants or their Customers, and does not have control or custody over Store, Merchant, Partner, or Customer information. Additionally, Shopify (USA) Inc. is not responsible for handling Customer data. One exception is Shopify Payments (USA) Inc., which does have access to certain Customer and Merchant information if the Merchant is located in the United States.

Frequently Asked Questions

Does Shopify hold or control Merchant funds on deposit?

No. 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 [Stripe](#) and an acquiring bank that has a relationship with Stripe. 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 Stripe and its acquiring bank** into the Merchant's bank account. Accordingly, we do not have the ability to garnish receivables generated through Shopify Payments. Given this, any UCC liens, tax levies, garnishments, and other requests for Merchant money should be directed to Stripe.

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 or has agreed to receive Shopify

Capital. Shopify does not store a bank account number if a Merchant is not using Shopify Payments or Shopify Capital.

Shopify stores a Merchant's payment card information in limited circumstances, depending on how the Merchant utilizes Shopify's services.

Does Shopify store Customer payment card numbers?

No. Shopify does not store a Customer's payment card information even if the Customer uses Shopify Payments to purchase a product from a Merchant. If a Merchant's Customer uses Shopify Payments to make a purchase, their payment card information is processed through Stripe.

Will Shopify notify affected Merchants or Partners before disclosing information?

Yes. Unless we are legally prohibited from doing so or the information is requested pursuant to a grand jury subpoena, we will notify the affected Merchant 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 or Partner. If a Merchant or Partner informs us that they intend to seek a protective order, 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 we should not do so for some other legal reason.**

Does Shopify charge anything to respond to a legal request?

Not usually. However, we reserve 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. If you require specific information to be preserved, please

send us a preservation order with a discrete list of data to preserve. We are not able to archive an entire store or recreate how that store appeared to visitors on a given date.

What is the address for each Shopify entity?

In order for us to properly respond to your request, any relevant documents in support of your request must identify the proper legal entity that controls the information you are requesting and the correct address of that entity. Please see [What Types of Information Does Shopify Control?](#) to determine which Shopify entity controls the information you are seeking and below for the correct address for each entity:

Shopify Inc.

ATTN: Legal/Privacy Team
151 O'Connor Street
Ground Floor
Ottawa, ON K2P 2L8
Canada

Shopify International Ltd.

ATTN: Legal/Privacy Team
c/o Intertrust Ireland
2nd Floor 1-2 Victoria Buildings
Haddington Road
Dublin 4, D04 XN32
Ireland

Shopify Commerce Singapore Pte Ltd.

ATTN: Legal/Privacy Team
c/o Intertrust Singapore
77 Robinson Road
#13-00 Robinson 77
Singapore 068896

Shopify Payments (USA) Inc.

ATTN: Legal/Privacy 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](#).