



# Elastic's Principles for Public Authority Requests for Customer Information

This document is provided to assist in answering questions raised by customers when evaluating Elastic's services and products. This document is not legal advice. Elastic urges its customers to consult with their own counsel to familiarize themselves with the requirements that govern their specific situations.

[elastic.co](https://elastic.co)

## Introduction

Elastic may on occasion receive a request from a government agency, law enforcement authority, or other public authority (“Public Authority”) seeking access to or disclosure of Customer Information (as defined in our Master Customer Agreement) (“Public Authority Request(s)”).

This document explains the principles that Elastic follows if it receives such a Public Authority Request (“Principles”). As Elastic may not be in a position to determine whether Customer Information constitutes or contains Customer Personal Data, Elastic will apply the Principles described herein by extension to all Customer Information. Our goal is always to protect Customer Information, while complying with applicable laws.

The protection of Customer Information is paramount, and we safeguard that data with a robust, comprehensive, and transparent privacy and security program. Our privacy and security program is designed to protect our customers' privacy and to protect Customer Information against unauthorized access or disclosure. Elastic further supports the *OECD Declaration on Government Access to Personal Data Held by Private Sector Entities*<sup>1</sup>, and implements its principles as follows:

## Customer Notification

Elastic is committed to trust and transparency for the benefit of our customers. Unless Elastic is prohibited from doing so under law, or there is a clear indication of illegal conduct or risk of harm, Elastic will notify a customer if we receive a Public Authority Request for that customer's Customer Information.

## Customer Referral

We believe our customers should have as much control as possible over their respective Customer Information. Elastic is not the owner or controller of Customer Information, and we believe that any Public Authority seeking access to or disclosure of Customer Information should address its request directly with that customer where possible.

Accordingly, if permitted by law, Elastic will attempt to redirect the Public Authority Request to the relevant customer. If Elastic cannot redirect the Public Authority Request to the relevant customer, we will notify the relevant customer about any Public Authority Requests for their Customer Information prior to disclosure so that the customer may seek appropriate legal remedies.

---

<sup>1</sup> <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0487>

If Elastic is legally prohibited from notifying the customer of the Public Authority Request prior to disclosure, Elastic will take reasonable steps to notify the Customer of the Public Authority Request after the non-disclosure requirement expires. In addition, if Elastic receives a Public Authority Request subject to an indefinite non-disclosure requirement, Elastic will take reasonable steps to challenge that non-disclosure requirement.

## Disclosure Only When and to the Extent Necessary

Elastic will only disclose Customer Information in response to valid legal process, such as a valid subpoena, court order, or search warrant, issued by a court of competent jurisdiction or the equivalent legal process in the applicable jurisdiction to disclose the Customer Information. Elastic will carefully review each Public Authority Request to ensure that it complies with applicable law, and will challenge the Public Authority Request if it concludes that there are reasonable grounds to consider that such is unlawful. Even in response to valid Public Authority Requests, Elastic will make all reasonable efforts to provide only that Customer Information that is strictly necessary to fulfill the Public Authority Request.

Elastic expects Public Authority Requests to be prepared and served in accordance with applicable laws, and to be focused on the specific information sought. Elastic will only respond to Public Authority Requests that are properly domesticated in the jurisdiction of the requested data and of the relevant Elastic entity, and will construe all such requests appropriately.

Elastic does not voluntarily provide Public Authorities with access, or any covert means of access (e.g. backdoors), to any Customer Information about users for surveillance purposes. Elastic will only disclose Customer Information to Public Authorities pursuant to legal due process and subject to adequate safeguards in the following cases:

- in response to Public Authority Requests in line with the Principles described herein;
- on the customer's written instruction;
- if necessary to protect the vital interests of natural persons; or
- to the extent necessary for the establishment, exercise or defense of Elastic's legal claims.