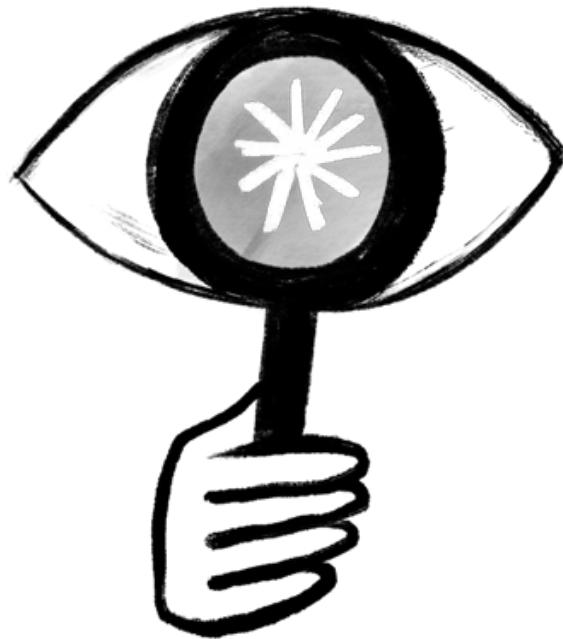


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# Mailchimp's Transparency Reports

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At Mailchimp we know our users trust us to maintain and protect information about their businesses. We began publishing annual transparency reports in 2019, and are pleased to share our third annual report disclosing 2020 data.

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contained in user accounts and how often information is disclosed to requestors. The next year, we added information to the report about how we enforce our Standard Terms of Use, including for certain kinds of content that threatens individual and public health. We also specified which countries were requesting user account information, both for government and private party requests.

You'll see some sections of the report haven't changed much from year to year; we're aiming for consistency with our reporting, but we'll also add new kinds of information as needed. Accordingly, we've included in our 2020 report more information about how we handled anti-vaccine and other content during the global coronavirus pandemic.

We hope you find the report useful and informative. If you have suggestions for improvement or other feedback, please contact us at [legal@mailchimp.com](mailto:legal@mailchimp.com).

For a downloadable copy of our 2019 report sharing data from 2018, click [here](#).

For a downloadable copy of our report published last year sharing data from 2019, click [here](#).

# Guiding principles

Mailchimp is committed to maintaining user privacy and confidentiality. When we receive information requests, we carefully review each request to ensure it is valid and that the requestor is entitled to the data they seek.

You can find more information about our policies and practices in:

- our [Terms of Use](#), which lays out the agreement between us and our users;
- our [Privacy Policy](#), which explains how we collect, share, and use personal information, and how people can exercise their privacy rights; and
- our Information Request Policy, described below.

# Requests for information

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any government or non-government legal request for information about a user or information from a user's account. An information request may be made in a variety of ways, including but not limited to court orders, search warrants, and subpoenas.

## Mailchimp's information request policy and guidelines

We carefully consider all requests for information, and under our policies, we generally don't provide a third party with information from an account that doesn't belong to them. When legally obligated to do so, however, we'll respond to a court order, subpoena, search warrant, or other proper legal process seeking information and records from a Mailchimp account<sup>1</sup>.

Mailchimp uses certain guidelines when responding to any request for information, whether from a government or non-government entity:

- We strive to maintain user privacy and confidentiality.
- We ask that requestors provide as much information as possible to properly identify the correct user account(s). We will not respond to an information request unless we first have adequate and specific information, such as an email address, internet domain, username, IP address, or other similar information, to identify and locate the correct account(s).
- Absent a statutory exception under U.S. law, we only respond to valid U.S. legal process. This means legal process (such as subpoenas, discovery requests, or court orders) must be properly domesticated by a court of competent jurisdiction and issued in accordance with the applicable federal and/or state procedural rules before Mailchimp will respond.
- Mailchimp does not accept legal process or information requests directly from government entities outside the U.S. Foreign government entities should

proceed through a Mutual Legal Assistance Treaty or other available diplomatic or legal means to obtain information from Mailchimp.

- Where feasible, we ask requestors to seek information directly from account

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<sup>1</sup> United States statutes, including the Electronic Communications Privacy Act of 1986 (18 U.S.C. § 2510, et seq.) and the Stored Communications Act (18 U.S.C. §§ 2701-2712), may restrict the scope of information and records Mailchimp can disclose, and any response by Mailchimp will be in accordance with these statutes.

# Definitions

Below you'll see charts<sup>2</sup>; that contain records of the total number of information requests Mailchimp received in 2020. In these charts:

- “non-content data” means basic user information, such as name, physical and email address, user identification number, internet protocol address, login history, and billing information, and other non-content records about users or contacts;
- “content data” means information contained in electronic communications, such as email contents and email subject lines, and other user generated content, such as campaign names, audience and distribution list names, etc.;
- “preservation request” refers to a situation where Mailchimp has been asked to save account information temporarily that may be needed for litigation or other legal processes while the requestor proceeds with the necessary steps to obtain the valid legal process required lawfully to receive the requested information; and
- “informal request for information” refers to a situation where a third party who is not the account holder has asked Mailchimp to disclose information from a user account voluntarily.

<sup>2</sup>The data within this Transparency Report is as accurate and comprehensive as possible.

# Government requests for user



We define government information requests as requests issued by or received from law enforcement and other government agencies (e.g., an Attorney General, the U.S. Department of Justice, a district attorney, etc.). Except in cases of emergency and when necessary to protect the safety of individuals and our platform, we do not voluntarily provide information to government agencies.

Below you'll see a record of the number of government information requests Mailchimp received in 2020. We don't consider this to be Mailchimp's data—rather, it's our users' information that we possess at a particular point in time. This approach aligns with our overall philosophy that we are stewards with an obligation to safeguard our users' data.

## 2020 Requests for Information from the U.S. Government

Type of request	Number of requests received	No information disclosed	Only non-content data disclosed	Content data and non-content data disclosed
Search warrant	1	0	1	0
Subpoena	5	2	3	0
Preservation request	2	2	0	0
Requests for	2	2	0	0

Type of	Number of requests	No information	Only non-content	Content data and non-
Marketing Library				
Court order	3	2	1	0

## 2020 Requests for Information from Foreign Governments

Type of request	Number of requests received	No information disclosed	Only non-content data disclosed	Content data and non-content data disclosed
Preservation request	0	N/A	N/A	N/A
Requests for information	13*	13	0	0

\*Requests received from governmental agencies in Argentina, Australia, Austria, Belgium, Canada, Germany, Malta, Singapore, and Spain

## Non-government requests for user account information

We frequently receive requests for user account information from non-government sources, such as litigants in a civil proceeding or parties involved in a business

dispute. In these situations, we generally encourage the requestor first to seek the information they're requesting through alternate means, such as directly from the user or through discovery from other parties in the underlying legal action.



and provide information as required by law.

## 2020 Requests for Information from Non-Government Sources

Type of request	Number of requests received	No information disclosed	Only non-content data disclosed	Content data and non-content data disclosed
Subpoena	5	5	0	0
Preservation request	3	3	0	0
Requests for information	4	3	0	1*

\*Content data was produced only after receiving express permission from the account holder

## 2020 Requests for Information from Foreign, Non-Government Sources

Type of	Number of requests	No information	Only non-content	Content data and non-
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Preservation request	0	0	0	0
Request for information	1*	1	0	0

\*Request received from private entity in France through the Commercial Court of Paris

# Enforcing our Terms of Use

When users sign up for an account with Mailchimp, they agree to our **Standard Terms of Use** (Terms), which includes our **Acceptable Use Policy** (AUP). Under this agreement, Mailchimp reserves the right to, within our sole discretion, suspend or terminate accounts. Our primary focuses in enforcing our Terms are to protect our high email deliverability rates and ensure a functional, secure platform for all users.

Our Terms **prohibit accounts** from distributing offensive material, promoting anything illegal, whether goods or activities, or harassing anyone. This includes distributing pornography or sexually explicit content, as well as campaigns promoting or supporting terrorism or violent extremism.

Mailchimp uses a combination of automated and human-run detection systems to ensure our users are complying with our Terms and our AUP. These systems review account behavior and content users are sending or publishing. Our Terms require our users to ensure their compliance with applicable laws based on both where they and their contacts are located and how they're using our digital marketing tools. While Mailchimp does not provide legal advice or make legal determinations, our abuse prevention and compliance systems can indicate which behavior or



content may likely violate certain laws, and which can therefore be too risky for our platform and result in suspension or termination.



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include information about how to contact our Compliance team to address the Terms violation(s) or dispute our decision. Our Compliance team thoughtfully considers any explanations and supplemental information provided by users in response to suspension or termination notices and in some cases will reverse their decision and reinstate an account. However, the majority of suspensions and terminations are upheld.

# Combating Hate Speech and Misinformation

Following the Unite the Right rally in Charlottesville, VA, in 2017, Mailchimp updated our terms of use to clarify **our rules around hate speech**. In October 2020, we updated our terms to specify that misinformation, which we define as materially false, inaccurate, or misleading in a way that could deceive or confuse others about important events, topics, or circumstances, also violates our Standard Terms of Use. We won't allow our technology and tools to be used in ways that can hurt people.

Mailchimp uses a combination of automated and human-run systems, including off-platform research, to identify and catch hate speech and potentially harmful misinformation, both before and after it's been published to a channel through our platform, such as an email campaign, landing page, or website. Language is constantly changing and evolving, and keeping up with terminology remains a challenge.

In addition, many news outlets, journalists, and research organizations reporting on these topics use Mailchimp, and we don't want to restrict that. We take preventative measures to inhibit certain accounts from communicating with their audiences, as well as detection and enforcement measures that are triggered after content has been published to a channel through our platform. As a member of **Tech Against Terrorism** and **Global Internet Forum to Counter Terrorism**, we also

pledge to balance our monitoring and compliance enforcement measures with a respect for the human right to free expression.

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in some cases. Once Mailchimp determines an account has violated our terms with hate speech, threats of violence, or potentially harmful misinformation, we notify users of the termination. As we shared above, while our Compliance team reads and considers responses from our users, due to the nature of these violations, nearly all terminations are upheld.

In 2020, Mailchimp reviewed and suspended 61 accounts for publishing potentially harmful misinformation in violation of our Terms. We estimate that we reviewed about 100 accounts for potential violations, out of millions of accounts from users around the world.

# Addressing Public Health Misinformation during the Global Pandemic

In 2019, Mailchimp recognized that the rise in anti-vaccine material on platforms like ours posed a heightened risk to individuals and public health. As a result, we terminated 33 accounts for sending or disseminating anti-vaccine (also known as anti-vaxx) content. These accounts were either primarily dedicated to sending this type of content, or had established a pattern of frequent sending and publishing. These accounts were notified of their termination and were allowed to transfer their data, but were not allowed to use Mailchimp to communicate with their contacts further.

In 2020, our monitoring and enforcement of anti-vaccine misinformation took on new importance when the World Health Organization declared COVID-19 a global pandemic on March 11. In the United States and in countries around the world, misinformation spread about the virus and the illness it causes, as well as preventive measures, treatments, and vaccines. Scholars, research organizations, and news publications have documented how this misinformation has led to

increased distrust in public health authorities and resistance to vaccines. Tragically, COVID-19 misinformation has resulted in serious illness or even death when individuals ignored public health guidance, such as wearing masks in

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Public health researchers are still learning about the virus and the COVID-19 illness, and health authorities like the U.S. Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO) continue to update guidance for workplaces, families, and individuals. However, the CDC and WHO have been consistent in their position and guidance on several key aspects of the pandemic: the virus and disease are real (in other words, not a hoax); masks are effective in reducing the spread of the virus from infected individuals; there are no known “cures” for the COVID-19 illness (distinct from treatment protocols); and the vaccines authorized for emergency use by the FDA in the United States are safe and effective for most people.

Mailchimp established rules governing which kinds of content about COVID-19 would not be allowed under our Terms, working from this scientific consensus. These rules allow discussion of the virus’s origins, and demographic information such as testing numbers, infection rates, and deaths, but do not allow users to publish newsletters, landing pages, or websites through our platform claiming that COVID-19 is a hoax or that masks are ineffective against transmission. Additionally, users are not permitted to allege that the Pfizer-BioNTech, Moderna, or Johnson & Johnson vaccines are ineffective, harmful, or dangerous for most people.

We employed our existing systems, both automated and human-run, to monitor for accounts publishing content violating these rules. Mailchimp investigated and found 47 accounts violating our rules for COVID-19 misinformation in 2020.<sup>3</sup> These accounts were then notified and terminated. Typically, a user engaging in spreading COVID-19 misinformation would publish or share content going against two or more of our established rules, making evaluation straightforward.

While Mailchimp’s customer base is global, we’ve focused our content moderation efforts on North America, the European Union, and Australia, driven largely by the location of accounts publishing about these topics. We have not needed to develop rules around other vaccines, such as the Sinopharm vaccine developed in China or Russia’s Sputnik V vaccine. This trend may change over time, and if so, we’ll look to the relevant public health authorities including the WHO for guidance.

In forming and enforcing these rules, we relied on the expertise of research organizations like First Draft, as well as reporting from news outlets in the U.S., U.K, the EU and Australia. In addition, Mailchimp staff joined monthly meetings with the

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their employees and users.

We hope this report has been useful. If you have questions, please contact [legal@mailchimp.com](mailto:legal@mailchimp.com).

Published September 1, 2021 by Mailchimp's Communications and Corporate Affairs and Legal teams, with special thanks to our Abuse Prevention and Compliance teams.

<sup>3</sup>While we track reviews and suspensions, we updated our tracking systems in late 2020 and determined that a small number of reviews or suspensions may not have been accurately captured in our records.

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