

ProtonMail Logs Activist's IP Address With Authorities After Swiss Court Order

The Hacker News : 4-5 minutes



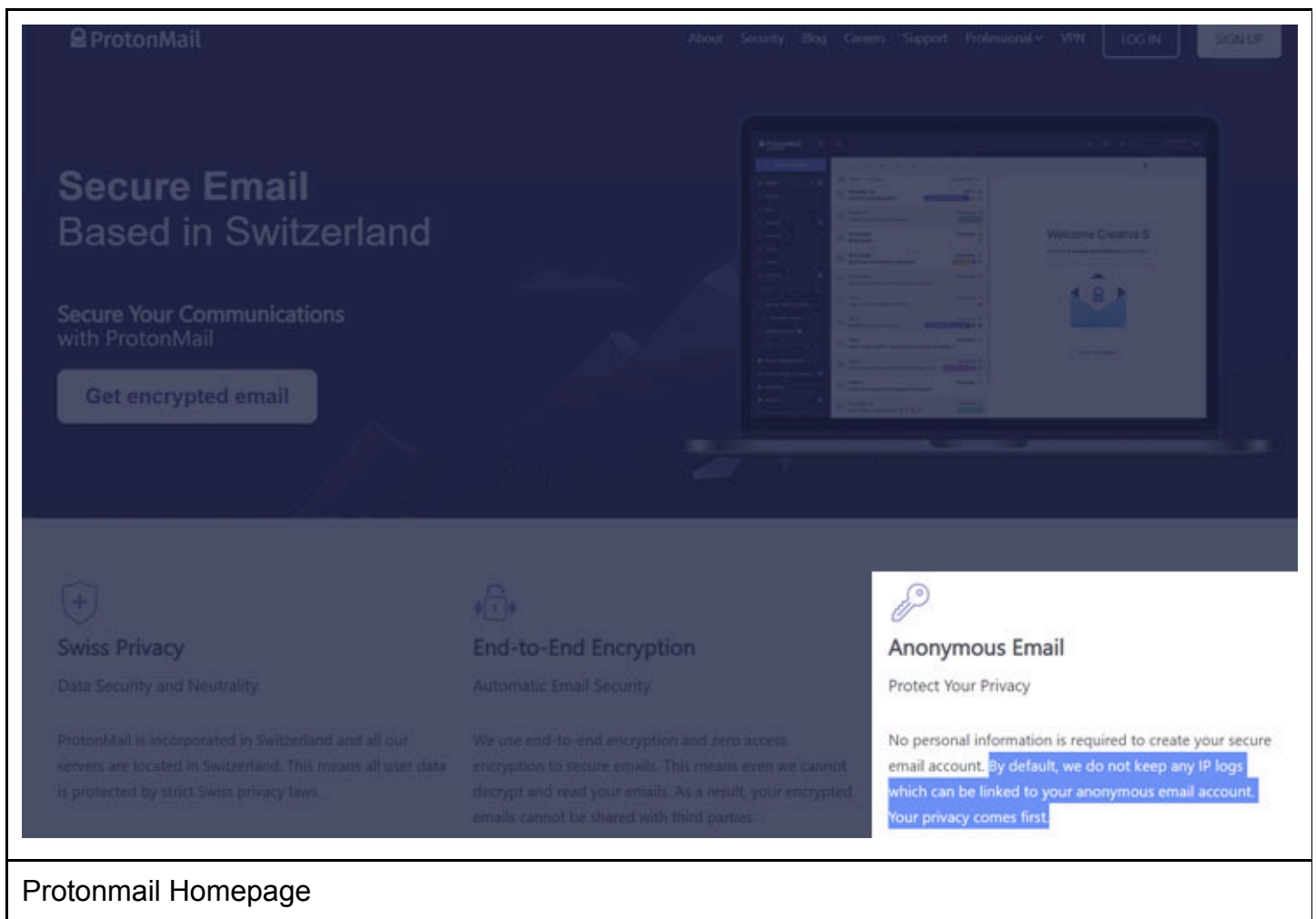
End-to-end encrypted email service provider ProtonMail has [drawn criticism](#) after it ceded to a legal request and shared the IP address of anti-gentrification activists with law enforcement authorities, leading to their arrests in France.

The Switzerland-based company said it received a "legally binding order from the Swiss Federal Department of Justice" related to a collective called Youth for Climate, which it was "obligated to comply with," compelling it to handover the IP address and information related to the type of device used by the group to access the ProtonMail account.



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On its website, ProtonMail [advertises](#) that: "No personal information is required to create your secure email account. By default, we do not keep any IP logs which can be linked to your anonymous email account. Your privacy comes first."



Despite its no IP logs claims, the company acknowledged that while it's illegal for the company to abide by requests from non-Swiss law enforcement authorities, it will be required to do so if Swiss agencies agree to assist foreign services such as Europol in their investigations.

"There was no possibility to appeal or fight this particular request because an act contrary to Swiss law did in fact take place (and this was also the final determination of the Federal Department of Justice which does a legal review of each case)," the company [said](#) in a lengthy response posted on Reddit.

Put simply, ProtonMail will not only have to [comply with Swiss government orders](#), it will be forced to [hand over relevant data](#) when individuals use the service to engage in activities that are deemed illegal in the country. This includes monitoring IP addresses from users in "extreme criminal cases," according to its [transparency report](#).



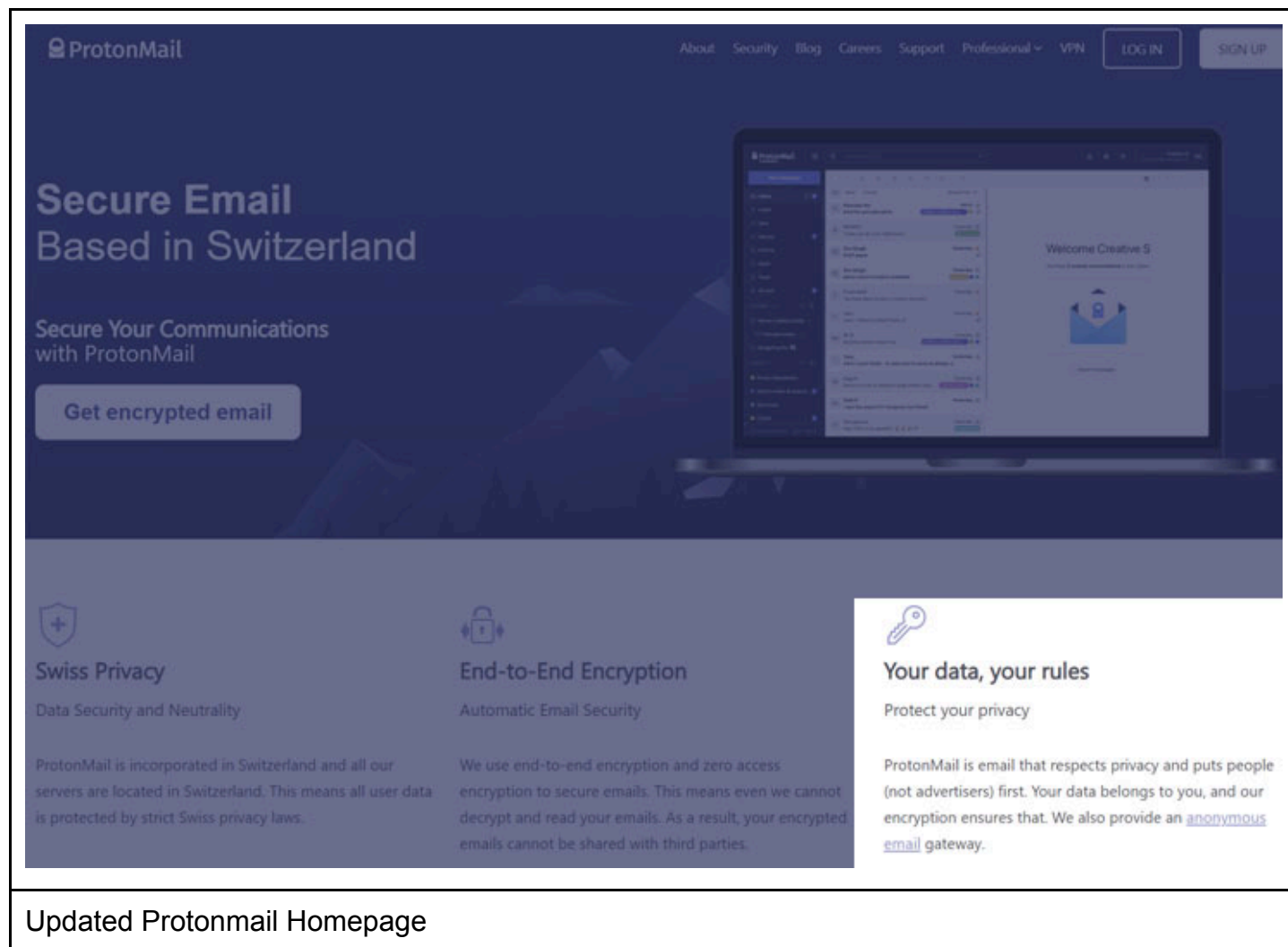
"Proton must comply with Swiss law. As soon as a crime is committed, privacy protections can be suspended and we're required by Swiss law to answer requests from Swiss authorities," ProtonMail founder and CEO Andy Yen [tweeted](#), [adding](#) "It's deplorable that legal tools for serious crimes are being used in this way. But by law, [ProtonMail] must comply with Swiss criminal investigations. This is obviously not done by default, but only if legally forced."

If anything, ProtonMail users who are concerned about the visibility of their IP addresses should use a VPN or access the email service over the Tor network for additional anonymity.

"The prosecution in this case seems quite aggressive. Unfortunately, this is a pattern we have increasingly seen in recent years around the world (for example in France where terror laws are inappropriately used)," the company said.

Update#


In a blog post titled "Important clarifications regarding arrest of climate activist," Andy Yen [said](#) the company "can be forced to collect information on accounts belonging to users under Swiss criminal investigation. This is obviously not done by default, but only if Proton gets a legal order for a specific account."



Furthermore, in a [revision](#) to its privacy policy, ProtonMail now explicitly spells out that it will be forced to log users' IP addresses if found in violation of Swiss laws —

*"By default, we do not keep permanent IP logs in relation with your use of the Services. However, IP logs may be kept temporarily to combat abuse and fraud, and your IP address may be retained permanently if you are engaged in activities that breach our terms and conditions (spamming, DDoS attacks against our infrastructure, brute force attacks, etc). The legal basis of this processing is our legitimate interest to protect our Services against nefarious activities. **If you are breaking Swiss law, ProtonMail can be legally compelled to log your IP address as part of a Swiss criminal investigation.**"*

Note — The headline of the article has been revised to reflect that ProtonMail can enable logging of IP addresses pursuant to Swiss court orders.

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