



Submission to David Kaye, UN Special Rapporteur on the protection of the right to freedom of opinion and expression

For the Study on Telecommunications and Internet Access Sector

November 2016

This document is submitted in response to the Special Rapporteur's "Call for submissions from NGOs and other stakeholders: Study on Telecommunications and Internet Access Sector."¹ The Call seeks information from stakeholders on three sets of questions. This memo will focus primarily on the first two questions, focusing on state regulation and company policies and practices, as they pertain to telecommunications companies.

About Ranking Digital Rights: Ranking Digital Rights (RDR) is a non-profit research project that brings together researchers from around the world to benchmark the world's largest internet, telecommunications, and other ICT sector companies on commitments, policies and practices affecting freedom of expression and privacy. After a two-year methodology development process involving rigorous research and stakeholder consultation, RDR's inaugural Corporate Accountability Index was launched in November 2015.² It evaluated a total of 16 companies (8 telecommunications companies and 8 internet companies headquartered around the world) on 31 indicators.³

Research for the second iteration of the Index, the 2017 Corporate Accountability Index, is currently underway. Results will be released in late March 2017. The updated index will include an additional six companies (two internet companies, two telecommunications companies, and two mobile device companies), with an expanded methodology of 35 indicators.⁴ Most relevant to the Rapporteur's present study are 10 telecommunications companies headquartered in a diverse range of countries and regions now undergoing RDR's evaluation: América Móvil (Mexico), AT&T (USA), Axiata (Malaysia), Bharti Airtel (India), Etisalat (UAE), Ooredoo (Qatar), Orange (France), MTN (South Africa), Telefónica (Spain), Vodafone (UK).

The information provided in this memo is primarily based on findings from RDR's 2015 Corporate Accountability Index, since research for the 2017 Index is ongoing and not yet final. Where relevant, information about new additions and/or adjustments to the 2017

¹ <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/CallTelecommunications.aspx>

² <https://rankingdigitalrights.org/index2015>; Full 2015 Index report and raw data can be downloaded at: <https://rankingdigitalrights.org/index2015/download>

³ See <https://rankingdigitalrights.org/index2015/all-indicators>

⁴ <https://rankingdigitalrights.org/2016/09/15/rdr-launches-2017-research/>

methodology is also included, since RDR's publicly available methodology aims to serve as a framework for corporate policy and practice beyond the specific companies evaluated in the Index.⁵

1. Trends in state regulation, public-private contractual arrangements and extralegal measures affecting the right to freedom of opinion and expression.

RDR's January 2016 submission to the Special Rapporteur's previous consultation for the Study on Freedom of Expression and the Private Sector in the Digital Age contained findings and analysis relevant to this question posed for the current study pertaining to telecommunications companies.⁶ Much of the content in this section is drawn from that previous submission, with some additional information pertaining specifically to telcos evaluated in the 2015 Index.

The 2015 Corporate Accountability Index covered eight telecommunications companies, all headquartered in different countries across a range of regions and continents: América Móvil (Mexico), AT&T (USA), Axiata (Malaysia), Bharti Airtel (India), Etisalat (UAE), Orange (France), MTN (South Africa), and Vodafone (UK).

Index research identified instances in which laws and regulations make it more difficult for companies to perform well on certain indicators related to freedom of expression. Laws in many countries forbid companies from disclosing national-security related government requests to share user data or restrict or remove content. Jurisdictional analysis conducted by country experts for the 2015 Corporate Accountability Index revealed a number of ways that governments limit or explicitly forbid companies from informing users about demands they receive from governments and other third parties to restrict or remove speech in the digital environment. Such disincentives are an obstacle to basic levels of transparency necessary to hold governments and private actors accountable for protecting and respecting human rights generally, and freedom of expression specifically.

Governments' own lack of transparency: Across the board, governments that make direct requests to companies to restrict or remove content do not publish data about the volume and nature of requests being made, thus hindering public accountability about demands being placed upon companies to restrict speech.

Direct prohibitions on corporate transparency: A number of governments prohibit companies from reporting on government requests to varying extents. For example:

- In India the law prevents companies from disclosing information about specific government requests for content restriction or removal. However it does not prevent aggregate disclosure.⁷

⁵ <https://rankingdigitalrights.org/2017-indicators/>

⁶ See <https://rankingdigitalrights.org/wp-content/uploads/2016/02/RDR-Freedex-submission-Jan2016.pdf>

⁷ <https://rankingdigitalrights.org/index2015/companies/bhartiairtel/>

- In the UAE the law holds intermediaries liable for the actions of users and the penal code restricts what information may be shared regarding police investigations and court trials—two of many legal and regulatory factors that contributed to very low levels of disclosure by Etisalat about the company’s policies and practices affecting users’ freedom of expression and privacy.⁸

Regulatory uncertainty: RDR researchers identified a number of instances where ambiguity about the scope of laws and regulations creates uncertainty among companies about the extent to which they can be transparent about requests to restrict speech without falling afoul of the law. Examples include:

- In South Africa, it is unclear whether it would be legal for companies to report aggregate data about government content restriction requests. While companies in South Africa are banned from reporting on government requests for user data, it is unclear whether internet service providers or mobile operators could be affected by the National Keypoints Act, which gives the government the ability to censor information about infrastructures considered crucial to national security. This could potentially prevent a company from disclosing information about requests related to content or account restrictions.⁹
- In Malaysia, internet service providers are subject to licensing requirements, rules, and regulations, not all of which are published or made available to the public. The Malaysian Official Secrets Act 1972 may prevent companies from disclosing some information about government requests, although according to local legal experts, it would be unrealistic to conclude that this law affects every restriction request that companies receive.¹⁰
- In the UK, as of Fall 2015 more than one law could potentially prevent an ISP or mobile data service from disclosing specific requests to restrict content or access to a service. However, even if some UK laws limit companies from being fully transparent, companies could nonetheless publish more aggregate data related to all the requests they receive that they are legally able to publish (based on UK law as it stood in 2015). Different companies have taken different positions on whether they can publish the number of copyright related blocking orders they receive (Vodafone does not publish this data while Virgin, TalkTalk, and Sky do). Moreover, given that information on terrorist-related sites blocked upon request of the Counter Terrorism Internet Referral Unit has been announced in Parliament, companies could also disclose such information.¹¹

Network shutdowns: Due to the rapid growth in the number of demands by governments for telecommunications companies to shut down or restrict service to certain areas – often

⁸ <https://rankingdigitalrights.org/index2015/companies/etisalat/>

⁹ <https://rankingdigitalrights.org/index2015/companies/mtn/>

¹⁰ <https://rankingdigitalrights.org/index2015/companies/axiata/>

¹¹ <https://rankingdigitalrights.org/index2015/companies/vodafone/>

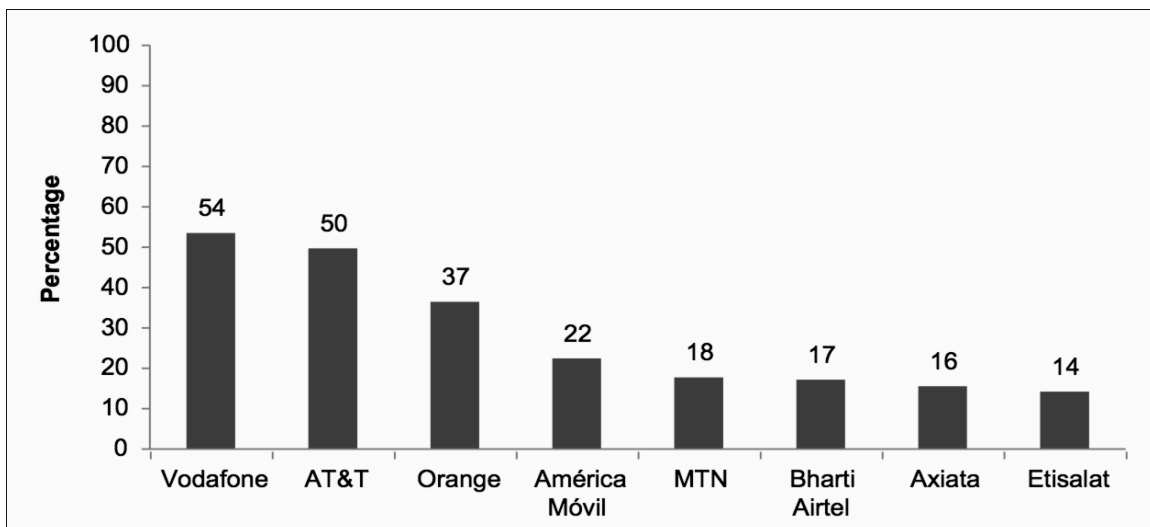
during times of unrest or political sensitivity – RDR has added an indicator to the 2017 Index focusing specifically on how companies handle government demands for network shutdowns. Further description of that new indicator, and 2015 findings on companies’ policies and practices in relation to network shutdowns, can be found in the following section addressing companies’ policies and practices.

2. Information concerning the policies, practices and processes of telecommunications companies affecting the right to freedom of opinion and expression.

The eight telecommunications companies evaluated in the Ranking Digital Rights 2015 Corporate Accountability Index were assessed against 30 indicators divided into three categories: 1) Commitment: examining overall commitments and governance relevant to freedom of expression and privacy; 2) Freedom of Expression: examining disclosed policies and practices affecting users’ freedom of expression and privacy; and 3) Privacy: examining the companies’ disclosed policies and practices related to the handling, sharing, and security of user information.

Only one company (Vodafone) scored above 50 percent.

Total Performance: Telecommunications Companies, Ranking Digital Rights 2015 Corporate Accountability Index¹²



¹² See p. 11 of the 2015 Index report at: <https://rankingdigitalrights.org/index2015/assets/static/download/RDRindex2015report.pdf>

Commitment and Governance:

In the Commitment category, three telcos scored significantly higher than the others: Vodafone (75%), Orange (73%) and AT&T (50%).¹³ All three are members of the Telecommunication Industry Dialogue (TID), an industry organization dedicated to promoting industry respect for freedom of expression and privacy.¹⁴ However company performance on some indicators appeared more directly influenced by TID membership and commitments than others. For example, performance on the indicator focusing on human rights impact assessments (C4) showed a strong relationship to TID membership while performance on the indicator focused on grievance and remedy mechanisms (C6) bore less relation to TID membership.

Impact assessment:¹⁵ Indicator C4 of the 2015 Corporate Accountability Index asks: “Does the company conduct regular, comprehensive, and credible due diligence, such as human rights impact assessments, to identify how all aspects of their business impact freedom of expression and privacy?” Companies are then evaluated on nine elements of specific practice:

1. The company examines laws affecting privacy and freedom of expression in jurisdictions where it operates and uses this analysis to inform company policies and practices.
2. The company regularly assesses free expression and privacy risks associated with existing products and services.
3. The company assesses free expression and privacy risks associated with a new activity, including the launch and/or acquisition of new products or services or entry into new markets.
4. The company assesses free expression and privacy risks associated with the processes and mechanisms used to enforce its Terms of Service.
5. The company conducts in-depth due diligence wherever the company’s risk assessments identify concerns.
6. Senior executives and/or members of the company’s board of directors review and consider the results of assessments and due diligence in strategic decision-making for the company.
7. The company conducts assessments on a regular schedule.
8. The company’s assessment is assured by an external third party.
9. The external third party that assures the assessment is accredited to a relevant and reputable human rights standard by a credible organization.

¹³ For full analysis and breakdown of every company’s score on every indicator in the Commitment section see: <https://rankingdigitalrights.org/index2015/categories/commitment/> or p. 20 of the 2015 Index report.

¹⁴ <http://www.telecomindustrydialogue.org/>

¹⁵ <https://rankingdigitalrights.org/index2015/indicators/c4/>

Of the eight telcos evaluated only two (Vodafone at 53% and Orange at 50%) performed relatively well on this indicator and only one other company had any relevant disclosure at all (AT&T at 6%).¹⁶ None of these companies received any score on elements 4, 8, and 9. AT&T received partial credit on element 2 only. All three of these companies were members of the TID at time of analysis.

Grievance and remedy:¹⁷ Indicator C6 of the 2015 Corporate Accountability Index asks: “Does the company have grievance and remedy mechanisms?” Companies are evaluated on five elements of specific practice:

1. The company discloses its processes for receiving complaints or grievances.
2. The company lists the kinds of complaints it is prepared to respond to.
3. The company articulates its process for responding to complaints.
4. The company reports on the number of complaints received.
5. The company provides evidence that it is responding to complaints, including examples of outcomes.

Six of the eight telcos evaluated in 2015 received at least some credit for this indicator, although overall performance illustrated a general lack of comprehensive grievance and remedy mechanisms. We concluded that there is much room for improvement by all companies on grievance and remedy even if regulatory and legal environments remain unchanged.¹⁸ No company received any credit on elements 2 and 5.

The highest scoring telco on remedy was Bharti Airtel of India (not a TID-member company) with 50% of total possible points, due primarily to India’s regulatory requirements in relation to remedy.¹⁹ América Móvil (not a TID-member company) and Vodafone (a TID-member company) were tied at 40%.²⁰ Etisalat of the UAE (not a TID-member company) performed slightly better on this indicator than TID members AT&T and Vodafone.²¹ Only MTN of South Africa and Axiata of Malaysia failed to offer any meaningful disclosure in relation to this indicator.²²

¹⁶ For company profiles including analysis of each company’s performance see <https://rankingdigitalrights.org/index2015/companies/vodafone/>; <https://rankingdigitalrights.org/index2015/companies/orange/> and <https://rankingdigitalrights.org/index2015/companies/att/>

¹⁷ <https://rankingdigitalrights.org/index2015/indicators/c6/>

¹⁸ For more discussion of the quality of company remedy mechanisms see <https://rankingdigitalrights.org/index2015/categories/commitment/> or p.23 of the 2015 Index report.

¹⁹ <https://rankingdigitalrights.org/index2015/companies/bhartiairtel/>

²⁰ See <https://rankingdigitalrights.org/index2015/companies/amicamovil/>

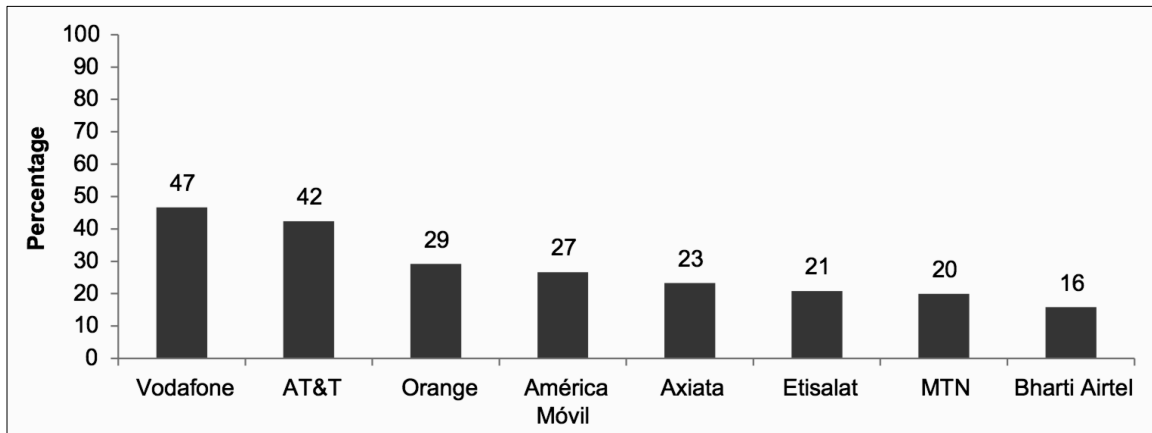
²¹ <https://rankingdigitalrights.org/index2015/companies/etisalat/>

²² <https://rankingdigitalrights.org/index2015/companies/mtn/> and <https://rankingdigitalrights.org/index2015/companies/axiata/>

Freedom of Expression²³

This category of the Index examines the extent to which companies disclose concrete commitments and efforts to respect users’ freedom of expression. Companies that perform well here demonstrate a strong public commitment to transparency, not only in terms of how they comply with laws and regulations or respond to government demands, but also how they determine, communicate, and enforce private rules and commercial practices that affect users’ freedom of expression.

Performance on Freedom of Expression: Telecommunications Companies Ranking Digital Rights 2015 Corporate Accountability Index²⁴



For telecommunications companies, the primary means of restricting user expression and access to information are the blocking or filtering of websites or network shutdowns in particular geographic areas. While such practices are common in some jurisdictions, they are much less so in others. Nonetheless, there is a risk in all jurisdictions for telecommunications companies to infringe upon users’ freedom of expression.

Network Shutdowns:

As the Special Rapporteur has pointed out, network shutdowns have a serious impact on freedom of expression and assembly as well as other human rights, and the UN Human Rights Council has condemned “unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law.”²⁵

While RDR’s 2015 Index methodology did not have a dedicated indicator focusing exclusively on network shutdowns, specific elements within several of the 2015 “freedom of

²³ See <https://rankingdigitalrights.org/index2015/categories/freedom-of-expression/> or p. 22 of the 2015 Index report.

²⁴ See p.23 of the 2015 Index report.

²⁵ <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/131/89/PDF/G1613189.pdf>

expression” indicators examined company policies and practices in relation to network shutdowns. Specifically F4: “Reasons for account or service restriction”²⁶, F5: “Notify users of restriction”²⁷, F6: “Process for responding to third party requests which includes requests to restrict or shut down networks”²⁸, and F7: “Data about government requests” including requests to shut down networks.²⁹

All telcos evaluated except América Móvil offered the most disclosure about why network shutdowns may occur in the future (Element 2 of Indicator F4). However most telcos examined in 2015 did not disclose whether they notify users when their access to internet or data service is restricted or shut down (Element 4 of Indicator F5). Only three of the eight companies received any credit for this element, and none of them received full credit. In addition, companies are even less transparent about their process for responding to government requests to shut down networks (F6)—with only one company (Vodafone) receiving full credit and one company (AT&T) receiving partial credit.

For the 2017 Index, in response to the growing problem of network shutdowns and the need to highlight company policy and practice in relation to them, we have consolidated elements related to network shutdowns into a single indicator focused on network shutdowns:³⁰

“The company should clearly explain the circumstances under which it may shut down or restrict access to the network or to specific protocols, services, or applications on the network.”

Companies’ performance on this indicator is evaluated based on eight elements:

1. Does the company clearly explain the reason(s) why it may shut down service to a particular area or group of users?
2. Does the company clearly explain why it may restrict access to specific applications or protocols (e.g., VoIP, messaging) in a particular area or to a specific group of users?
3. Does the company clearly explain its process for responding to requests to shut down a network or restrict access to a service?
4. Does the company commit to push back on requests to shut down a network or restrict access to a service?
5. Does the company clearly disclose that it notifies users directly when it shuts down the network or restricts access to a service?
6. Does the company list the number of network shutdown requests it receives?

²⁶ <https://rankingdigitalrights.org/index2015/indicators/f4>

²⁷ <https://rankingdigitalrights.org/index2015/indicators/f5>

²⁸ <https://rankingdigitalrights.org/index2015/indicators/f6>

²⁹ <https://rankingdigitalrights.org/index2015/indicators/f7/>

³⁰ <https://rankingdigitalrights.org/2017-indicators/#F10>

7. Does the company clearly identify the specific legal authority that makes the request?
8. Does the company list the number of requests with which it complied?

Results on this new indicator focused on network shutdowns will be released along with the full 2017 Index in late March 2017.³¹

Blocking and filtering

Most of the indicators in the Freedom of Expression section of RDR's 2015 methodology, as well as the updated 2017 methodology, seek disclosure from companies about their policies and practices affecting internet users' ability to access and publish online content.

Telcos can block access to entire websites, specific pages or specific keywords.³² Filtering is carried out either by the ISP, or by the network operators that control internet flows into a jurisdiction, or some combination of the two. Such blocking prevents users from receiving information but can also prevent users from posting information to a specific location such as in the case of social networks. While the content still exists elsewhere on the internet, it cannot be accessed by users of the network on which the filter is deployed.³³

It is also worth noting that research conducted for UNESCO by RDR and a consortium of research partners in 2014 found that the blocking and filtering practices of internet access services operated by telecommunications companies affects the content management practices of internet platforms as well as the nature of government policies and laws related to content restriction by and on internet platforms.³⁴ Because the actions of telecommunications companies have a direct impact on freedom of expression across other layers of the internet, it is vital that these companies are transparent and accountable about their policies and practices affecting freedom of expression.

RDR's January 2016 submission to the Special Rapporteur described how ICT companies tend to be somewhat more transparent (to the extent that transparency takes place) about policies and practices affecting privacy than about policies and practices affecting freedom of expression.³⁵ This was especially true for telecommunications companies examined by RDR. Only two companies scored over 40 percent in the Freedom of Expression category overall. The detailed results for all eight telcos evaluated can be found by clicking on the links for each indicator in the Freedom of Expression section of the Index website.³⁶

³¹ <https://rankingdigitalrights.org/2016/09/15/rdr-launches-2017-research/>

³² See: OpenNet Initiative, About Filtering, <https://opennet.net/about-filtering>

³³ MacKinnon, R, Hickock, E, Bar, A and Lim, H, "Fostering Freedom Online: The Role of Internet Intermediaries," UNESCO, 2014, <http://unesdoc.unesco.org/images/0023/002311/231162e.pdf>, p.23.

³⁴ UNESCO p.62.

³⁵ <https://rankingdigitalrights.org/wp-content/uploads/2016/02/RDR-Freedex-submission-Jan2016.pdf>, pp 7-9.

³⁶ <https://rankingdigitalrights.org/index2015/categories/freedom-of-expression/>

Notably, AT&T was the only telco that reports any data about the number of government requests received to restrict access or content (Indicator F7).³⁷ Only Vodafone and AT&T disclosed any information about their process for evaluating and responding to third-party (including government) requests to restrict content or access (F6).³⁸ Yet our analysis of laws and regulations in countries where all of the telcos are headquarters found no clear legal obstacle in most jurisdictions to disclosing such general information about company policies in this area.³⁹

While researchers found anecdotal evidence that a number of telcos do notify users when websites and services are blocked through their networks, most lacked clear public disclosure about their policies and practices around notification (F5).⁴⁰ No telco disclosed data about private requests received, nor did any telco disclose clear policies for handling requests affecting freedom of expression from private or non-governmental entities, despite the fact that at least in some of the relevant home country jurisdictions, requests from non-governmental entities are in fact made. Examples of such requests range from requests made to internet service providers from entities like the UK's Internet Watch Foundation, to direct requests made to companies by organizations who believe that their intellectual property was violated by a user or website accessible through the company's internet connection.⁴¹

Network Management

When networks are not managed in a “neutral” way, access to certain websites or applications may be ‘throttled’ or slowed down, making access more difficult for users. Alternatively, users might be charged different rates for access to different kinds of content or services, or might be granted free access to specific services.⁴²

Indicator F10 of the 2015 Index, which examines the network management practices of telcos, asks if a company discloses whether it prioritizes or degrades transmission or delivery of different types of content, and if so for what purpose. Effectively, this indicator seeks disclosure on whether the company does or does not adhere to principles of net neutrality, and if not, why.⁴³ Of the eight telecommunications companies evaluated, only Vodafone disclosed that it does not prioritize or degrade the delivery of content (in the United Kingdom). Etisalat, MTN, and Orange provided no disclosure whatsoever for the operating companies in their home markets. The others disclosed to varying extents that they prioritize or degrade content delivery in their home markets, and they explained their

³⁷ <https://rankingdigitalrights.org/index2015/indicators/f7/>

³⁸ <https://rankingdigitalrights.org/index2015/indicators/f6/>

³⁹ See individual company reports starting at p. 49 of the 2015 Index report at <https://rankingdigitalrights.org/index2015/assets/static/download/RDRindex2015report.pdf>

⁴⁰ <https://rankingdigitalrights.org/index2015/indicators/f5/> and pp. 25-26 of the downloadable report.

⁴¹ See <https://rankingdigitalrights.org/index2015/companies/vodafone/> or p. 68 of the 2015 Index report.

⁴² UNESCO, p. 24.

⁴³ <https://rankingdigitalrights.org/index2015/indicators/f10/>

purpose for doing so (e.g., throttling speeds after users consume a certain amount of data). Regarding Orange’s lack of disclosure the 2015 Index report noted:

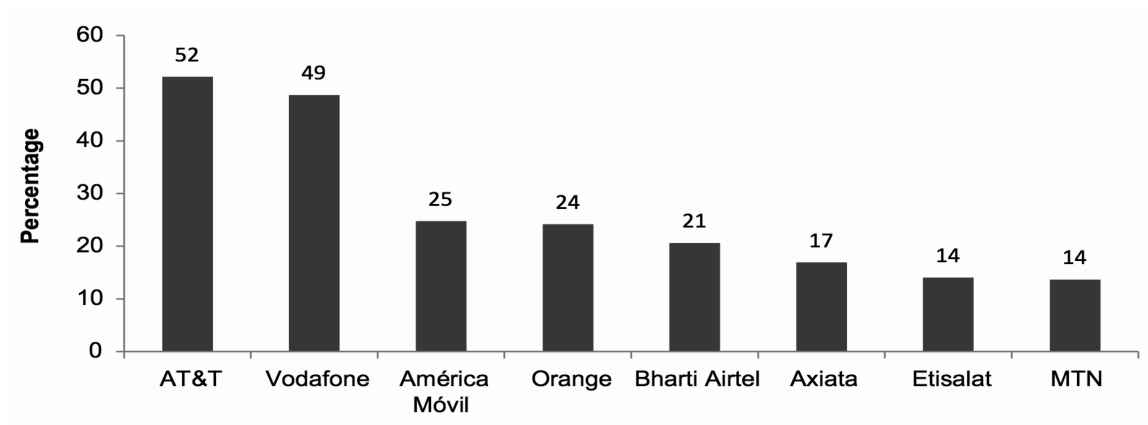
In communications with researchers, company representatives stated that its network management “is guided by quality of service when degrading or prioritizing the delivery of content” and that the company is compliant with French law. It is also worth noting that the E.U. is currently considering net neutrality legislation, and that as a result of this process, the regulatory situation in individual countries has been unclear. Orange may receive credit on this indicator in future iterations of the Index if it publicly discloses such information, as its peers do.⁴⁴

The EU published its net neutrality guidelines in August 2016.⁴⁵ RDR’s 2017 Index will include company policies and disclosures published up through the end of 2016.

Privacy

AT&T and Vodafone were the clear leaders among telecommunications companies, earning 52 and 49 percent, respectively, of the total possible points on disclosure of policies and practices that affect users’ privacy. América Móvil, Orange, and Bharti Airtel came in a band of scores between 21-25 percent. Axiata, Etisalat, and MTN followed with scores in the mid-teens due to very low levels of disclosure about the handling, sharing, and security measures taken to protect user information.⁴⁶

Performance on Privacy: Telecommunications Companies
Ranking Digital Rights 2015 Corporate Accountability Index⁴⁷



Research for the 2015 Index found industry-wide incoherence in disclosures to users about how companies handle their information: what is collected, how it is collected, how long it is retained, and with whom it is shared. Debates about what constitutes private, personal,

⁴⁴ <https://rankingdigitalrights.org/index2015/companies/orange/> or p. 65 of the downloadable report.

⁴⁵ <http://www.bbc.com/news/technology-37225094>

⁴⁶ <https://rankingdigitalrights.org/index2015/categories/privacy/>, downloadable report, p. 27.

⁴⁷ See p.27 of the 2015 Index report.

sensitive, or anonymous information are far from settled, particularly given the continuous advancement of data analysis techniques that can combine information in unpredictable ways. Nevertheless, if companies more clearly explain how they handle the different types of information they collect, users can make more informed choices about whom to entrust with their data.

No company evaluated in the 2015 Index clearly explained whether users can control what the company itself collects and shares about users (P5).⁴⁸ While six of the eight telcos examined in 2015 allow users to opt-out of the sharing of their information for either app integration or analytics purposes, users are still left wondering whether this is the only say they have in how their data is shared. Furthermore, all but two of the telcos examined disclosed information about whether users can access the information the company holds on them (P6),⁴⁹ and Vodafone was the only telco to provide public disclosure of any information about how long they hold user information (P7).⁵⁰

It is notable that despite the European Union's strong data protection laws, the two E.U.-based companies evaluated in the 2015 Index (Orange and Vodafone) were not the top performers on indicators examining company disclosure about collection, retention, and sharing of user information. For example, on Indicator P4, which asks whether companies disclose if and why they share user information with third parties, Orange and Vodafone disclosed less information than AT&T and several U.S.-based Internet companies.⁵¹

On Indicator P7, which examines whether companies publicly disclose how long they retain user information, Orange received no credit (along with AT&T), while Vodafone's score was lower than several U.S.-based Internet companies.⁵² While Europe-based companies may be communicating with regulators on such matters in order to ensure compliance with the law, they do not communicate so well with users or the broader public – at least those who are not conversant in telecommunications and privacy law.

For an analysis of company disclosures in relation to third-party requests for user information, please see pp. 7-10 of RDR's January 2016 submission⁵³ and pp. 28-30 of the RDR 2015 Index report.

For an analysis of company disclosures related to security of user information please see pp. 30-31 of the 2015 Index report.⁵⁴

⁴⁸ <https://rankingdigitalrights.org/index2015/indicators/p5/>

⁴⁹ <https://rankingdigitalrights.org/index2015/indicators/p6/>

⁵⁰ <https://rankingdigitalrights.org/index2015/indicators/p7/>

⁵¹ <https://rankingdigitalrights.org/index2015/indicators/p4/>

⁵² <https://rankingdigitalrights.org/index2015/indicators/p7/>

⁵³ <https://rankingdigitalrights.org/wp-content/uploads/2016/02/RDR-Freedex-submission-Jan2016.pdf>

⁵⁴ <https://rankingdigitalrights.org/index2015/assets/static/download/RDRindex2015report.pdf>

Conclusion

This submission distills key findings on telecommunications companies from the Ranking Digital Rights 2015 Corporate Accountability Index. Recommendations with greatest relevance to telecommunications companies are as follows:

- Communicate clearly with users about what happens to their information: If somebody were to create a dossier or “file” on the user based on what information the company holds at a given point in time, what would it look like? Companies should explain to users the lifecycle of information they collect;
- Improve transparency and accountability about all types of third-party requests to restrict content or share user information;
- Disclose and communicate what ordinary people – who aren’t telecom lawyers or specialists in Internet regulation – need to know;
- Establish effective grievance and remedy mechanisms;
- Conduct regular assessments to determine the impact of the company’s products, services, and business operations on users’ freedom of expression and privacy;
- Disclose evidence that the company has institutionalized its commitments;
- Advocate for legal and regulatory changes that will support the company’s ability to respect users’ freedom of expression and privacy.

The full set of recommendations for companies and governments drawn from those findings can be found on the RDR website and in the “Recommendations” section of the downloadable report.⁵⁵ We hope that this submission can be helpful in determining the appropriate responsibilities of telecommunications companies, as well as regulatory frameworks that will protect the human rights of people who use telecommunications technologies across the world.

⁵⁵ <https://rankingdigitalrights.org/index2015/recommendations/> or pp. 16-18 of the 2015 Index report.