



April 14, 2016

Orange France  
78 rue Olivier de Serres  
Paris, 75015 France

Dear Chairman Stéphane Richard,

We are writing to draw your attention to the results of the [Ranking Digital Rights Corporate Accountability Index](#). The Index ranked 16 of the world's leading internet and telecommunications companies on their disclosure with respect to privacy and freedom of expression online. As you may already be aware, the results were disappointing. Several companies performed poorly on objective indicators that measure adherence to best practices for reporting and transparency.

Now is an opportune time for you to respond publicly to these results and demonstrate your company's support for transparency and accountability.

Respecting human rights in an accountable and transparent manner is good for business. Your company's health and wealth depend on the trust of your customers. Investors require accurate and meaningful data on your firm's performance -- financial and otherwise -- to show why they should continue to commit to your growth. Policymakers seeking to protect their constituents' interests look to you for clear statements and policies to verify that you are complying with laws and norms.

This first release of results from the Corporate Accountability Index, the methodology for which was developed through years of research and consultation with a diverse range of stakeholders, shows why it is urgent that the entire sector must engage with the range of stakeholders and groups who advocate for the rights of people affected by your business.

On the bright side, a roadmap is available for you to follow. The Index's indicators on data protection, transparency about content restriction, digital security, and remedy, among other issues, show how companies can proceed on the path towards demonstrating respect for digital rights. Every company evaluated in the Index has already taken at least some steps toward meeting their responsibility to respect human rights and remedy abuses. Transparency reporting on government requests for customers' information has become a trend, and companies worldwide are publicly declaring their commitment to human rights.

Positively, Orange produces a transparency report on government requests for user information. However, it can improve the report by disclosing the actual number of government requests which it receives in all jurisdictions, as well as disclosing non-governmental requests. Orange is positively engaging with other stakeholders on privacy and freedom of expression issues, and should continue to build external relationships in its many countries of operation. Additionally, Orange in France does a good job disclosing security practices which may protect users, and educating users about potential security threats.

However, at the group level, Orange could improve its policies by:

- Making clearer disclosures on the scope and regularity of how it uses its human rights impact assessments. It could also externally assure and accredit these impact assessments.

For its operating company in France, Orange should:

- Disclosing network management practices, and any policies with respect to network discrimination;
- Making privacy policies freely available to non-subscribers, easy to find, and easy to understand;
- Provide transparency about governmental and private requests for content restriction, and about terms of service enforcement, to supplement its transparency figures related to user data requests.

Orange should make similar disclosures for all other operating companies to the greatest extent legally possible in those markets.

In some cases, laws restrict what companies can tell their customers. But many of these steps do *not* require a new law before a company can execute them. Your company can raise its score in the Index by taking the steps outlined above, and by continuing to address sector-wide challenges through organizations like the Global Network Initiative. By doing so, you would distinguish yourself in the sector as a leader, and earn a reputation among your customers as a champion of their privacy and other human rights.

As a first step, we recommend that you convene your corporate officers to digest this first Corporate Accountability Index report and develop a response. Whether you need a cross-team task force, an independent chairperson on human rights, or additional training for your staff, we trust that your company can meet the challenge of responding to the report. However, remember that if you don't make your response public, stakeholders in your company will remain in the dark about how you treat customers' rights. Their trust hangs in the balance.

We are happy to speak with you about your results and assist you in developing a response.

Sincerely,

A handwritten signature in black ink, appearing to read 'PM', with a stylized flourish at the end.

Peter Micek  
Global Policy & Legal Counsel  
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