



12 September 2018

Timothy Donald Cook  
Chief Executive Officers  
Apple  
One Infinite Loop  
Cupertino, CA 95014, USA

Dear Mr. Cook:

Access Now is a global organization fighting to defend and extend human rights in the digital age, particularly for users most at risk. We are writing to draw your attention to your company's performance in the [2018 Ranking Digital Rights Corporate Accountability Index](#) and to invite you to offer a public response.

As you may be aware, the Index evaluated 22 of the world's leading internet, mobile, and telecommunications companies, including yours, and found that all companies could make significant improvements in disclosing policies and commitments that affect their users' rights to freedom of expression and privacy. Apple's score was based on an evaluation of its disclosed policies for its iMessage and iCloud services and iOS mobile devices.

Apple ranked seventh out of 12 companies in its category, and saw an 8.02% increase in its Index score from 2017 (the highest score improvement among all companies). A significant portion of that increase can be attributed to Apple's improved transparency around policies that affect users' freedom of expression rights. The Index also recognizes Apple's new "Privacy Governance" policy as a positive step toward promoting transparency because the policy provides a clear outline of the company's privacy commitments.

Likewise, the Index recognizes some important improvements in Apple's commitment to respect users' privacy rights, including greater disclosure of company practices for addressing third party requests of users' data. Further, the company clarified senior management's role in overseeing privacy risks. This, coupled with Apple's improved transparency around user options to control the manner in which their information is processed for targeted advertising, resulted in the company's improved ranking.

However, Apple received the lowest score of all US companies surveyed because of its inadequate disclosure of policies affecting users' freedom of expression rights. Apple scored below most of its peers in the Governance category, despite improvements, due to a lack of clarity on its commitments to freedom of expression. For example, Apple disclosed some information on its assessment of privacy risks, but not freedom of expression risks, associated with its products and the jurisdictions in which it operates. Even though Apple provided more information about how it handles external requests, it did not provide data about government requests to remove applications from its App Store (though Apple's July-December 2017 transparency report, released after the Index was published, includes a pledge to start reporting this type of data in its July-December 2018 report). The company also failed to offer substantive evidence regarding the manner in which the company addresses grievance and provides remedies for users complaining of freedom of expression or privacy infringements.

We would like to draw your attention to several concrete steps that your company can take to improve disclosure of policies affecting users' rights. We recognize that in some instances, legal



obligations may prevent companies from disclosing certain types of information about specific policies and practices. However, the Ranking Digital Rights team has consulted with legal experts and identified steps that your company can take in the immediate future to improve disclosure within the current legal environment.

- Apple should **join and fully participate in multi-stakeholder assessment bodies and convenings**, including the Global Network Initiative, UN Forum on Business & Human Rights, and RightsCon, to bolster and verify its attention to human rights globally through regular impact assessments, and inform its ongoing efforts via broad and open consultation.
- Apple **should publicly pledge to protect users' freedom of expression** by disclosing data about the volume or nature of content or accounts restricted to enforce Apple's community standards or external requests, and clearly articulate the company's role in policing content.
- The company **should disclose more information about how the company handles users' data**, specifically the categories of data it collects and shares, as well as the purpose, on a global scale.

Transparency on these issues not only supports human rights, but also helps ensure user trust. Investors also depend on companies to be transparent about these issues to verify they are making sound choices that are encouraging user growth.

We encourage you and the relevant officers within your company to read through the Index findings and recommendations, and the ["report card" for your company](#) in particular, and develop a public response to the issues raised here. This is an opportunity to distinguish your company from others in the sector as a leader on these issues, and to demonstrate a commitment to your users to respect their rights. The full results and raw data can be found at: <https://rankingdigitalrights.org/index2018>. For your convenience I am also attaching PDFs of the full report as well as your company's report card.

This letter will be published on the website of the Business and Human Rights Resource Centre, alongside letters to each of the other companies evaluated in the Index. Company responses will be published in a timely manner on the same website upon receipt. A similar set of letters and company responses were published in 2016, visible at: <https://business-humanrights.org/en/access-now-sends-digital-rights-demands-to-tech-and-telco-firms>

We encourage you to send a response for publication by September 26, 2018, to demonstrate to your users and stakeholders that your company is serious about upholding freedom of expression and privacy. Please send your letter via email to Peter Micek <[peter@accessnow.org](mailto:peter@accessnow.org)> with Ana Zbona <[zbona@business-humanrights.org](mailto:zbona@business-humanrights.org)> in copy.

The Access Now team would be happy to speak with you about your results and provide feedback as you develop your response.

Sincerely,  
Peter Micek  
General Counsel, Access Now  
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