



12 September 2018

Mark Zuckerberg  
Chief Executive Officer  
Facebook  
1 Hacker Way  
Menlo Park, California

Dear Mr. Zuckerberg,

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. Facebook's score was based on an evaluation of its disclosed policies for its Facebook, Messenger, WhatsApp, and Instagram services.

Facebook ranked fourth out of twelve companies in its category, seeing a 2.11% increase in its Index score from 2017. The company maintained its high score in the governance category, while achieving slight improvements in both freedom of expression and privacy.

The largest improvement was made in the freedom of expression category, in which Facebook ranked fifth out of twelve. First, the company improved transparency around its practice for identifying and restricting content or accounts that violate its terms of service. The Index also recognizes, as a positive step, the company's disclosure of at least some data on its terms of service content enforcement actions. Regarding restriction requests, Facebook provided more information on how it handles external requests for the restriction of content, including its process for responding to requests via court orders, and improved disclosure of the volume of content removed due to intellectual property claims.

Facebook's Index score improved slightly in the privacy category, ranking seventh of twelve companies, yet falling behind all other US internet and mobile ecosystem companies. Additionally, Facebook, along with Twitter, received the highest score in its group for its disclosure of data about its compliance with government and private requests for user information. This, coupled with improvement in its disclosure of account security practices, represents positive steps for protecting freedom of expression and privacy rights.

However, the 2018 Index and recent events also raise serious concerns about the lack of transparency around users' privacy rights. Facebook did not provide sufficient information on how the company secures users' information. In fact, the company's disclosure of options users have to control what information the company collects, retains, and uses was worse than any other company in the Index. Facebook also provided less information than both Microsoft and Google



regarding its process for addressing private requests for user information. Furthermore, the company revealed very little information about its security policies.

Since the close of the Index research cycle in January, Facebook has made several improvements that are not reflected in its 2018 Index evaluation. It amended its privacy policy to provide more details about how it shares user information across its family of companies, how long the company retains certain types of information, and what options users have to delete some types of information. The company also released a new transparency report with more comprehensive data about its terms of service enforcement actions, shedding more light on the company's role in policing content on its platform.

However, despite these improvements, a number of concerns remain. As noted in Access Now's [June 13, 2018 letter](#) to Facebook, European and US authorities are investigating the company's unauthorized data transfer to Cambridge Analytica, data that was used to identify, target, and influence users during the 2016 US presidential election. More recently, as we also note in our letter, [a New York Times article](#) exposed the company's practice of giving device makers deep access to users' data. The contract with device makers may have even bypassed users' established privacy settings.

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.

- Facebook should show a **stronger commitment to protect users' privacy** by not sharing users' information for targeted advertising unless they opt in. It should also commit to respect signals from users to not track them across third-party websites.
- The company should provide **more information about how it handles external requests, especially private requests**, to hand over user information or remove content.
- The company should provide **copies of data disclosure agreements between Facebook and third parties**. Facebook should also publicly answer questions regarding their data sharing agreements.
- The company should also provide more information about the **types of data it collects from users' devices outside its apps**, including information gathered through these devices.

Transparency on these issues is not only important from a human rights perspective, but also key to ensuring 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 this week 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  
[peter@accessnow.org](mailto:peter@accessnow.org)