



12 September 2018

Robert Andrew Shuter  
Chief Executive Officer  
MTN Group Limited  
Innovation Centre  
216 14th Avenue  
Fairland, Johannesburg,  
South Africa, 2195

Dear Mr. Shuter,

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. MTN's score was based on an evaluation of its disclosed policies for MTN South Africa's pre-paid and post-paid mobile services.

MTN ranked sixth out of 10 companies in its category, and saw a 0.09% increase in its Index score from 2017. The company's slight increase in the Index can be attributed to the fact that in 2017 MTN conducted its first human rights impact assessment.

The 2018 Index recognized that MTN demonstrated a serious lack of transparency on issues related to how it handles user data. The company provides insufficient information regarding the type of information it collects. The company's privacy score actually decreased due to less clear disclosure of how it handles government and private requests for users' information.

In fact, MTN, lagged behind most of its peers in disclosure of how it handles third party information requests. Although South African laws prevent companies from disclosing the details surrounding a government request for user data, national laws do not prevent the company from providing information regarding non-government requests. Therefore, MTN could legally provide information regarding the number of private requests received and compiled with. MTN also provided very little information about its network management and shutdown policies. The company failed to make an unequivocal commitment to resist governments' shutdown requests, despite the deep and broad harms these disruptions cause.

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.



- MTN **should disclose more information about external requests affecting user rights**. The company should be more transparent about government and private requests to restrict content or accounts, and about private requests for user information.
- The company **should disclose information about network shutdowns** and about how MTN handles government network shutdowns. MTN should also make a clear commitment to uphold human rights and push back against government shutdowns.
- MTN **should improve its transparency regarding how it handles user information**, including disclosing more information on the type of information the company collects and what information it shares. The company should also provide more information regarding MTN's security policies and the manner in which it keeps information protected.
- MTN should **join the Global Network Initiative (GNI)**, whose members not only make human rights commitments but also undergo independent assessments to verify whether they have implemented and institutionalized their policies, and participate in the [RightsCon Summit Series](#).

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  
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