



12 September 2018

Timothy M. Armstrong
Chief Executive Officer
Oath Incorporated
770 Broadway
New York, New York 10003
United States

Dear Mr. Armstrong,

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. Oath's score was based on an evaluation of its disclosed policies for its Yahoo Mail, Flickr, and Tumblr services.

Oath ranked third out of 10 companies in its category, and saw a 1.55% increase in its Index score from 2017, and the company was among the highest ranked companies. This increase can be attributed in part to the incorporation of Tumblr into Oath's detailed transparency reporting framework. The Index recognized as a positive step Oath's increased disclosure of company policies around the notification of restriction to Yahoo Mail and Flickr users' accounts, and the company's increased transparency around Tumblr users' options to opt-out of targeted advertising. Oath's scores in the Governance category have stood out across several iterations of the Index, due to its strong commitment to respect users' rights and institutionalization of those commitments as a founding member of the Global Network Initiative.

However, the 2018 Index finds that Oath can still improve its transparency on matters that affect privacy and freedom of expression rights. The fact that Oath disclosed less than Google, Yandex, Microsoft, Kakao, and Apple about its security policies, is a serious cause for concern. The company's 2018 Index governance score decreased from 2017 because of Oath's lack of transparency about how it incorporates human rights impact assessments (HRIA) into its executive- or board-level decisions. Oath also disclosed less than most of its peers about the process for enforcing users' terms of service and also reported less comprehensive data on government and other external requests for user information.

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.

- Oath should clearly articulate **the company's policy for responding to data breaches**. The company should provide more information about the manner in which it handles data breaches and its approach for preventing unauthorized access.
- The company should provide more information about **the volume and nature of content or accounts it restricts for violating the company's terms of service**.
- Oath should provide more information about **external requests it receives that affect users rights**. The company should be more transparent about government and third party requests to limit content or accounts as well as requests to share users' data with external parties.

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 ask that you and the relevant officers within your company 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> with Ana Zbona <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