



12 September 2018

Stéphane Richard,
Chief Executive Officer
Orange
78 Rue Olivier de Serres
75015 Paris
France

Dear Mr. Richard,

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. Orange's score was based on an evaluation of its disclosed policies for Orange France's pre-paid mobile, post-paid mobile, and fixed-line broadband services.

Orange ranked fourth out of 10 companies in its category, and saw a 2.09% increase in its Index score from 2017. A significant portion of this increase can be attributed to Orange joining the Global Network Initiative (GNI), and its improved disclosure that it conducts human rights impact assessments on a regular basis. The Index also recognizes as a positive step that Orange provided an example of the company pushing back on a government network shutdown request, but fell short of making a clear commitment to push back on all overbroad requests. The company also improved users' ability to exercise their right to access the data the company holds on them, although it still did not indicate if this includes all of the public and private data it holds. These factors, coupled with Orange's newly disclosed security oversight processes and audits, all represent positive actions in promoting freedom of expression and privacy rights. We encourage Orange to continue upgrading its privacy and data protection practices in line with the newly applicable EU General Data Protection Regulation.

However, the 2018 Index shows that Orange still has disclosure gaps. Orange, unlike its European and US peers, discloses almost no information about its policies impacting freedom of expression. For example, the company did not disclose how it handles government and private requests to block content, including websites, or restrict user accounts. There are no legal limitations that would prevent Orange from releasing this type of information in France. The company also lagged behind its competitors in its disclosure of how it handles security vulnerabilities and secures user data.

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.

- Orange should improve its **grievance and remedy mechanisms** by providing clear procedures for users to directly submit complaints of violations to their privacy rights.
- The company should be more transparent about **how it responds to government and third party requests to block content or restrict user accounts**, particularly because Orange does not face any legal obstacles for sharing this type of information.
- Orange should provide **more information about how the company protects user data** and its procedure for responding to data breaches.

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> 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