



12 September 2018

Ki Nam Kim, Hyun Suk Kim, and Dong Jin Koh
CEO
Samsung Electronics Co., Ltd.
Samsung GEC, 26,
Sangil-ro 6-gil, Gangdong-gu,
Seoul, Korea

Dear Mr. Nam Kim, Mr. Suk Kim, and Mr. Koh:

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. Samsung's score was based on an evaluation of its disclosed policies for its implementation of the Android mobile operating system on Samsung devices.

Samsung ranked eighth out of 12 companies in its category, and saw a 1.93% increase in its Index score from 2017. A significant portion of that increase can be attributed to Samsung's improved transparency around its processes to ensure that it is effectively upholding freedom of expression and privacy rights. Specifically, Samsung clarified that its senior leadership oversees policies and practices affecting users' privacy. Further, the company provided greater information regarding its human rights impact assessment. Likewise, the Index recognizes some important improvements in Samsung's privacy practices, including the company's increased disclosure of notification to users for privacy policies changes. The company also provided more information about how it handles information of users who have terminated their account.

However, the 2018 Index shows that Samsung did not disclose sufficient information about policies that impact users' privacy and freedom of expression. Although South Korean law requires Samsung to provide users with a grievance mechanism, the company did not publicly disclose clear options for users to submit freedom of expression and privacy related complaints. Further, the company disclosed less information than most of its competitors about its manner for addressing government or private requests for user information. This, coupled with changes to the company's privacy policy which make it less clear whether the Samsung combines users' information throughout its services, represent an important area for improvement for the company to fully respect the rights of its users.

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.



- Samsung should provide a **grievance mechanism for users** whose freedom of expression or privacy rights may have been violated.
- The company should also be **more transparent about the manner in which it handles external requests**. Samsung should publish data on the volume of external requests it received to restrict content or accounts, as well as requests to hand over user information.
- Samsung should provide **clarity about the manner in which the company collects and processes user data**. The company should be more transparent about the types of data it collects, shares, and for what purpose, as well as provide information about whether it combines user information across different services.
- Samsung 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 them, and participate in multi-stakeholder forums including the [RightsCon](#) Summit Series.

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 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 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