

November 4, 2021

## **Open Letter: Spotify investors must take a stand against harmful voice-recognition patent**

---

Andrew Telfer  
Chief Executive Officer and Joint Senior Partner  
Baillie Gifford & Co Ltd  
780 Third Avenue, 43rd Floor  
New York City, NY 10017

---

William J. Stomberg  
Chief Executive Officer  
T. Rowe Price Associates Inc.  
233 Park Avenue, South  
New York, NY 10003

---

James Gorman  
Chief Executive Officer  
Morgan Stanley  
1585 Broadway  
New York, NY 10036

---

Ma Huateng  
Chief Executive Officer  
Tencent Holdings Ltd  
Kejizhongyi Avenue, Hi-tech Park, Nanshan District  
Shenzhen, China

---

Catherine Wood  
Chief Executive Officer  
ARK Investment Management, LLC  
3 East 28th Street  
New York, NY 10016

---

Jeffrey Becker  
Chief Executive Officer  
Jennison Associates LLC  
466 Lexington Avenue  
New York, NY 10017

---

---

Pär Ceder  
Director  
Rosello Company Limited  
22 Stasikratous Street, Office 104  
1065 Nicosia, Cyprus

---

Dear shareholders,

We are writing to inform you of a technology Spotify patented that poses serious risks to privacy and to Spotify's reputation as a rights-respecting company. As the recent tech whistleblower revelations have [made clear](#), we cannot merely trust the good will of a tech company when it comes down to a choice between profit maximization and human rights.

This is why we are deeply concerned about Spotify's patented voice-recognition technology, which the company claims will detect the "emotional state, gender, age, or accent" of listeners. Serious [doubts have been raised](#) about the scientific basis of technologies that claim to detect emotional state and other characteristics of individuals. Even if this technology worked, it would violate individuals' rights to privacy, nondiscrimination, and freedom of expression.

When we first [raised these concerns](#) with Spotify directly, the company [claimed](#) they had not implemented the technology in any products, and had no plans to do so. However, Spotify did not make a clear commitment to never use, license, sell, or monetize the technology. Even if Spotify does not use the technology, they could profit from the surveillance tool if another entity deploys it. Any use of this technology is unacceptable.

This is why we are asking you — Spotify's major shareholders — to hold the company accountable for developing a tool that would seriously compromise human rights. As outlined in the UN Guiding Principles on Business and Human Rights, the OECD Principles, and the European Union's General Data Protection Regulation, private companies have a duty to respect and promote people's human rights. Spotify is no exception.

Our major concerns with the technology are:

- **Emotion manipulation:** Monitoring emotional state, and making recommendations based on it, puts the entity that deploys the technology in a dangerous position of power in relation to a person using the product.
- **Discrimination:** It is impossible to infer gender without discriminating against trans and non-binary people, and others who do not fit gender stereotypes. It is also impossible to infer someone's music taste based on accent, without assuming there's a "normal" way of speaking or falling into racist stereotypes.
- **Privacy violations:** The device would be recording everything — it would be monitoring, processing voice data, and likely ingesting private information. It would also collect "environmental metadata," which could inform Spotify that other people (who might not know Spotify is listening) are in the room and potentially be used to make discriminatory inferences about them.

- **Data security:** Harvesting deeply personal data could make any entity that deploys the technology a target for snooping government authorities and malicious hackers.

Spotify has also failed to properly address the following questions:

- Did the company undertake any form of human rights due diligence to understand and identify the human rights risks associated with this voice-recognition technology?
- What specific security measures does the company have in place to protect against unauthorized access to people's data?
- What are Spotify's policies for responding to government requests for people's information?

As influential stakeholders, you are uniquely placed to ensure that Spotify's technology will not be used to instigate human rights abuses. This is why we are urging you to take a stand in defense of human dignity, and to call on Spotify to commit to never use, license, sell, or monetize this pernicious technology.

Sincerely,

Isedua Oribhabor  
BHR Lead, Access Now

Jennifer Brody  
U.S. Advocacy Manager, Access Now