



## Policy Brief: Access' position on zero rating schemes

### Introduction

Access is an international organisation that defends and extends the digital rights of users at risk around the world. Access works through its Policy, Technology, and Advocacy teams to achieve this mission. Access provides thought leadership and policy recommendations to the public and private sectors to ensure the internet's continued openness and universality for both long-time and newly connected users globally.

This objective is reaffirmed in Access' pioneering stance against price discrimination schemes like zero rating programmes and its leading role in promoting Net Neutrality globally. This position is reflected in several of our publications, in particular:

- [Access' submission to the U.S. Federal Communications Commission \(FCC\) in the "Protecting and Promoting the Open Internet" Notice of Proposed Rulemaking \(NPRM\)](#);
- [Access' comments to the Brazilian government's public consultation on Net Neutrality for the regulation of the Marco Civil da Internet](#);
- [Access' brief on "Net neutrality, ending network discrimination in Europe"](#);
- [Access' opinion on the European Commission proposal on the Telecoms Single Market](#) and;
- Access' blog post on the impact of zero rating schemes in [South America](#) and [globally](#).
- [Access' op-ed in Wired](#) on the many problems with Facebook's Internet.org.

The following is an elaboration of our views on Net Neutrality, price discrimination, and zero-rating schemes such as Internet.org, Twitter Access, and Wikipedia Zero, and what improvements will be needed to bring them in line with the stated goal of connecting millions of people to the internet.

## ■ Zero rating & Net Neutrality

Net Neutrality lies at the very core of the internet's potential for development and the exercise of rights. This concept can be elaborated into three principles: First, the end-to-end principle, which ensures that all points in the network should be able to connect to all other points in the network. Second, the best-effort principle which guarantees that all providers of the internet should make their best effort to deliver traffic from point to point as expeditiously as possible. Last but not least, the innovation without permission principle, which states that everyone should be able to innovate without permission from anyone or any entity.

This includes prohibiting “positive discrimination,” which covers price differentiation schemes like zero rating. These schemes limit user access to those services and applications chosen by dominant tech and telecom companies. This prioritisation results in network discrimination, in which users are delivered access to some, but not all, of the internet, resulting in unequal access — the very opposite of Net Neutrality. Free expression and access to information depend on access to the full, unfettered internet; anything less harms users' rights.

## ■ Zero rating programmes: What do they have in common?

Zero rating programmes are initiated by internet giants and successful online platforms, in partnership with a handful of telecommunications operators with the stated goal of reducing the global digital divide and connecting more people to the internet. Far from achieving this goal, these services are in practice offered in both developing and developed countries and raise serious human rights concerns.

### **1. Zero rating programmes do not offer access to the \*full\* internet**

There is a general confusion regarding the services offered by zero rating programmes. Zero rating programmes do not provide access to the internet but only to select internet-connected services and applications. These programmes therefore create second-tier users, who can only access a part of the whole internet.

## **2. Zero rating programmes tamper with innovation**

Zero rating can undermine competition and innovation by tampering with one of Net Neutrality's essential principles — permissionless innovation. This notion that anyone, anywhere can create, share, and innovate without having to ask anyone or any entity is one of the key drivers of the internet's dynamic and transformative success. Schemes which propose limited access to the internet establish gatekeepers, where startups and new businesses would be forced to [negotiate zero-rating partnerships with operators](#) as a prerequisite to entering the market.

This key principle is also what makes the internet an engaging — and not passive — platform, where users are empowered to freely receive and impart information, opinions, ideas and knowledge. In a zero-rated world, any newcomer, whether innovator or blogger, must negotiate access to the online public, undermining the very essence of what has made the internet such a dynamic and transformative nature.

## **3. Zero rating programmes could facilitate surveillance of users**

Zero rating limits the number of platforms and websites through which users will communicate and access information. It gives operators incentives to scrutinise our data traffic in order to discover which content, apps, and services are the most popular to strike deals with. This in turn makes [surveillance and censorship much easier](#), as the data only flows through a limited number of easily identifiable channels.

Over the past two years, Edward Snowden's disclosures revealed the existence of mass surveillance systems developed by the NSA, GCHQ, and other intelligence agencies, which collected data stored by US internet giants, such as Facebook or Google, through the so-called PRISM programme. Prior to the revelations, these platforms were already known for their unsubstantial privacy protections and use of privacy-invasive techniques. As zero-rated offers favour the use of these widely known online services, this raises serious privacy concerns.

## ■ Zero rating programmes: What are the current offers?

### ■ internet.org

[Internet.org](#) is a zero rating programme led by Facebook providing access to a handful of selected internet-connected services and applications. While many of the world's poor may be able to utilise the limited Internet.org plan, they can't afford the data plans they'll need to access the full internet —leaving them stuck on a separate and unequal path.

The programme has already been launched in in a large number of developing countries, including India, the Philippines, Paraguay, Ghana, and Colombia. The terms of service of the deal in Colombia indicates that *“whenever [users] request access to a website or service, [internet.org] may modify that request and route it through our servers”*. Not only is such provision a clear violation of Net Neutrality, as it implies interfering with the normal traffic in the network, it also puts users' privacy at risk as access by government agencies is greatly simplified if data flows through and/or is stored by a single actor.

### ■ Facebook Zero

Facebook Zero is an initiative launched in 2010 by Facebook to provide access on phone to a stripped-down, text-only version of Facebook for free. If users decide to view pictures by clicking through, regular data charges apply. In short, through Facebook Zero users can only partially access a single online service.

Through partnership with telecoms operators, Facebook Zero is currently available in more than 20 countries around the world including Bangladesh, Canada, Panama, and Zimbabwe.

### ■ Twitter Access

Through Twitter Access, Twitter partners with telecoms operators around the world to provide access to the social media platform. Initially launched in Brazil on the occasion of the 2014 FIFA World Cup, Twitter Access is now available in several countries including India, the Philippines, and Turkey.

[Twitter's terms of service](#) applies to this programme. The company has one of the most vaguely written and privacy-invasive rules regarding the use of their services. In particular Twitter's terms of services indicates that:

*“[Twitter] also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to (i) satisfy any applicable law, regulation, legal process or governmental request, (ii) enforce the Terms, including investigation of potential violations hereof, (iii) detect, prevent, or otherwise address fraud, security or technical issues, (iv) respond to user support requests, or (v) protect the rights, property or safety of Twitter, its users and the public.”*

## ■ Wikipedia Zero

Wikipedia Zero, a partnership with telecom companies, provides access to Wikipedia free of charge on mobile phones. The programme, announced in 2012 by the Wikimedia Foundation, is aimed at developing markets and is now available in more than 15 countries, including Morocco, Nepal, and Myanmar.

Since the launch of the programme, Wikimedia argues that since its service does not violate the principle of Net Neutrality as it is non-commercial agreement with the telecoms operators. No money is changing hands in exchange for prioritisation over other services. However, Wikimedia is using its well-known trademark as currency in deals with telecom partners to acquire more users and lock them into Wikipedia Zero.

While Wikimedia has always been a champion for [open access to information](#), it and all existing zero-rating programme could do great damage to the future of the open internet.

## ■ Google Free Zone

Google Free Zone is an initiative launched by Google in collaboration with telecoms operators to provide free access to select Google products such as Google Search, Gmail, and Google+. Since its introduction in 2012, Google Free Zone is now available in more than 10 countries including Thailand, South Africa, and Kenya.

## ■ Zero rating: What are the alternatives?

A viable alternative to zero rating would be sponsorship of basic data plans for vulnerable or disconnected communities, enabling unfettered and non-discriminatory access to the whole internet. Such a shift would directly address the goal of connecting additional millions worldwide to the full internet.

Mobile operators are offering such initiatives in several Middle Eastern, Asian, and African countries. For instance, Orange clients in Africa are offered free talk, text, and 500MB of data per month for 6 months when buying a 40\$ phone [sponsored by Mozilla](#). In Asia, Telenor's

client can enjoy 20MB free per day in exchange for watching a 30-second ad through a project [sponsored by grameenphone and Mozilla](#).

Internet governance is also an issue. Around the world, new approaches to decision making and participation in internet governance are being evaluated in the light of historical developments that go from the principles of the [2005 World Summit of Information Society](#) to the recent [NetMundial outcomes](#). Private sector intermediaries making substantial decisions on the future of internet access for the next billion users is certainly an issue of concern in this context.

### ■ Zero rating: Need for more transparency

Companies offering zero rating products should present clear, transparent, and understandable information about terms and conditions of the service. In the case of Internet.org, the criteria that underpin the inclusion of certain applications and services over their competitors should be published, subject to public consultation, and modified as necessary.

Statistics about the effect of zero rating programmes on connectivity and access are commonly mentioned in public statements. In order for those statistics to be reliable, more information should be published about the methods used for information gathering and processing of data. Open access to data sets will enable independent reviews, especially when the data are provided on a regular, accessible schedule after outreach to civil society, academia, and technologist communities.

## Conclusion

The revolutionary nature of the internet rests in its breadth and diversity. We strongly urge platforms developing zero rating programmes to assert their support for the principle of (real) Net Neutrality — especially in the developing world, where the next three billion internet users are coming online. Such support for Net Neutrality requires an active commitment to protect this principle in practice, such as by refraining to engage in price discrimination schemes that would undermine the future of the internet and limit users' rights.