



June 1, 2016

Yahoo!  
701 First Avenue  
Sunnyvale, CA 94089

Dear Maynard Webb Jr. and Marissa Mayer,

We are writing to you in your roles as Chairman and CEO to seek further engagement with Yahoo! about the results of the [Ranking Digital Rights Corporate Accountability Index](#). The Index ranked 16 of the world's leading internet and telecommunications companies on their disclosed policies and practices with respect to privacy and freedom of expression online. As you may already be aware, the sector-wide results were disappointing. Several companies performed poorly on objective indicators that measure adherence to best practices for reporting and transparency.

Yahoo! performed measurably better than most. Your staff have openly discussed these results with outside stakeholders, consulted on previous iterations of the indicators, and even participated in launch events. Yet we are writing publicly to all companies ranked in order to further motivate sector-wide improvement. Drawing upon the Index results, we have prioritized recommendations to each company to pick off the "low-hanging fruit" that could improve your ranking in future releases of the Index.

We do not need to tell you the importance of respecting digital rights. Yahoo! was the first ICT company to form a business and human rights program. You know that respecting human rights in an accountable and transparent manner is good for business, and that your company's health and wealth depend on the trust of your customers.

Investors, too, require accurate and meaningful data on your firm's performance -- financial and otherwise -- to show why they should continue to commit to your growth. Policymakers seeking to protect their constituents' interests look to you for clear statements and policies to verify that you are complying with laws and norms. Despite laudable efforts by companies that ranked near the top of the Index, users at risk remain in the dark about many company practices impacting their human rights, which is a key reason we are pushing even companies that performed relatively well in the Index to make further improvements.

Positively, Yahoo! stood out with your strong commitments and governance structures to support freedom of expression and privacy. You outperformed every other company on notifying users about third party requests for user data. Though it could be improved upon, Yahoo! is a

leader on explaining your data sharing policies, including through disclosures for Yahoo! Mail and Flickr on what data you share with each named third party. Importantly, your company issued a public response to the RDR findings when the Index was released.

To extend your leadership, Yahoo! should broadly continue to:

- Strengthen commitments to freedom of expression and privacy at the corporate level, particularly through the establishment of stronger grievance and remedy mechanisms for freedom of expression and privacy harms.

In addition, we recommend that you take these specific steps:

- Yahoo! could make a clear commitment to notify users when you restrict content or access to your services, including an explanation of why a restriction was imposed.
- Enable accessible end-to-end encryption for Yahoo! Mail and the private messaging features of Flickr and Tumblr.
- While the company offers some transparency on government and private requests to restrict content, you should also offer transparency on how you enforces your own terms of service.
- Articulate specific ways that users can communicate freedom of expression or privacy-related grievances to the company and see those grievances addressed.

Your company can raise its score in the Index by taking the steps outlined above, implementing other recommendations identified in the Index, and by continuing to address sector-wide challenges as part of organizations like the Global Network Initiative. By doing so, you would distinguish your company as a sector leader, and earn a reputation among your customers as a defender of their human rights.

We commend your corporate officers for engaging with our staff, members of the Ranking Digital Rights research team, and other advocacy groups in private conversations about ways in which your company might improve its policies and disclosures around freedom of expression and privacy. However we also believe that it is important for all companies to communicate with the broader community of users and global stakeholders. As a first step, we urge you to respond in writing to this letter and the recommendations we highlight from the Corporate Accountability Index.

We are happy to speak with you about your results and work with you in developing a response.

Sincerely,



Peter Micek

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