



12 September 2018

Huateng Pony Ma
Chief Executive Officer
Tencent Holding Limited
Kejizhongyi Avenue, Hi-tech Park
Nanshan District, Shenzhen, 518057
China

Dear Mr. Ma:

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. Tencent's score was based on an evaluation of its disclosed policies for its QZone, QQ, and WeChat services.

Tencent ranked tenth out of 12 companies in its category, and saw a 0.91% increase in its Index score from 2017. This slight increase can be attributed to Tencent's improved transparency around freedom of expression and improvements to WeChat's privacy policy. Specifically, the company provided concrete examples of the type of content it prohibits on WeChat pursuant to Tencent's rules. The Index also recognized as a positive step the increased disclosure around the company's privacy policies, including Tencent's clarification of its purpose for collecting information from WeChat users. The company also provided more information about how the company limits employees' unauthorized access to users' information.

However, the 2018 Index shows that Tencent did not disclose sufficient information about how the company handles and secures user information. The company did not publish any data regarding the volume of government or private requests received to restrict accounts or content. Tencent also failed to provide information about the number of government requests that the company complied with. Further, Tencent disclosed less than most of the companies surveyed about its policies affecting users' privacy. The company provided very little information on users' options to control the type of data the company collects about them; and Tencent did not disclose information about the company's data retention policies.



The Index also demonstrated a serious lack of transparency related to data security policies. The company did not disclose any information regarding how it handles data breaches. Coupled with the fact that the company disclosed very little information on whether it encrypts user communications, these represent important areas for improvement in order to advance the company's commitment to users' digital rights.

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.

- Tencent should provide more information about its **process for handling private requests to restrict content or accounts or to hand over user information.**
- The company should provide more information about its **data retention policies.** Tencent should be more transparent about how long the company retains information.
- Tencent should also provide more information about **the company's grievance and remedy mechanisms across all services.** The company should provide the protocol for users to submit complaints related to freedom of expression and privacy rights.
- Tencent should **adopt the principles of 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 firms 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
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