



12 September 2018

Sundar Pichai
Chief Executive Officer
Google Inc
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Pichai:

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. Google's score was based on an evaluation of its disclosed policies for its Google Search, Gmail, YouTube, and Android mobile ecosystem services.

Google ranked first out of 12 companies in its category, and saw a 0.52% increase from its Index score of 2017. Its first place ranking can largely be attributed to its high rankings in the freedom of expression and privacy categories. Google was ranked first in privacy in its group, largely due to its security-related disclosures, receiving full credit from the Index in some indicators. It also disclosed more than most of its peers about how it handles user information and how it addresses government and private requests for users' information. In the freedom of expression category, Google placed second, disclosing more about relevant policies than all other internet and mobile ecosystem companies except Twitter.

However, the 2018 Index shows that there is room for Google to improve, especially regarding the Governance category. It placed only fourth in this category, and made no improvements from its score of 2017. Although it articulated a commitment to uphold freedom of expression and privacy rights, Google did not disclose evidence of board- or executive-level oversight over these issues. A similar problem arose for human rights issues. Researchers were not able to locate evidence that Google assesses risks associated with enforcing its terms of service, although it made a commitment to conduct human rights due diligence when entering new markets. Lastly, the Index emphasized room for improvement in the company's grievance and remedy mechanisms for when users believe their rights have been violated.

Although its performance in the freedom of expression and privacy categories is strong, there are some gaps in Google's transparency. Google disclosed less than Twitter, Kakao, and Microsoft about its content policing practices and policies. Its disclosed data about content or accounts it restricted is not comprehensive. Google also fell behind Kakao, Twitter, Microsoft, and Oath for its disclosure of data about private requests to restrict content or accounts. On the privacy side, while Google disclosed information about what user information it collects, it was less transparent than most of its peers about what user information it shares.

Since the close of the Index research cycle in January, Google has made several improvements that are not reflected in its 2018 Index evaluation. The company has updated its privacy policy to comply with the General Data Protection Regulation (GDPR). Notably, YouTube released a new transparency report with more comprehensive data about its terms of service enforcement actions,



shedding more light on the company's decisions in policing content on its platform. However, despite these encouraging changes, concerns about Google's lack of transparency in key areas remain.

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.

- Google should **clarify what information the company collects, shares, and for what purpose**. The company should also commit to not sharing users' information for advertising purposes unless they opt-in.
- Google should provide **comprehensive data on its practices of content removal** due to violations of its terms of service.
- Google should **improve the company's grievance mechanism** for users who wish to submit a complaint when they believe that their rights have been violated, and consult potentially affected users before introducing or withdrawing products or services.

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 encourage you and the relevant officers within your company to 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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