



12 September 2018

Satya Nadella
Chief Executive Officer
Microsoft Corporation
Microsoft Campus
15010 NE 36th Street, Building 92
Redmond, WA 98052

Dear Mr. Nadella,

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. Microsoft's score was based on an evaluation of its disclosed policies for its Bing, Outlook.com, and Skype services.

Microsoft ranked second out of 12 companies in its category, and was one of the top performers in the Index. This can be attributed to multiple factors, including Microsoft's transparency around how it handles external requests for user information. Additionally, the Index recognizes the company's membership in the Global Network Initiative (GNI) as a positive commitment to freedom of expression and privacy rights. Microsoft saw an increase of 0.46% in the Index's governance category because of improved disclosure of **whether it assesses privacy risks associated with its enforcement of its terms of service.**

However, Microsoft's overall score for the 2018 Index decreased by 0.42%, due to a decline in disclosure in the freedom of expression category. The company's score declined slightly due to the fact that the company's policy for notifying Skype users of account restriction is no longer available on the Skype help page.

Further, Microsoft disclosed less than Twitter, Google, and Oath about how it handles user information. Microsoft did not fully disclose the types of information it collects, shares, and for what purpose. Microsoft also did not provide as much information as some of its peers regarding the volume of external requests it received for users' information. These, coupled with Microsoft's unclear disclosures relating to the company's data retention period, represent important areas for improvement.

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.

- Microsoft should clearly **articulate the company's role in policing content**. The company should be more transparent about the manner in which the company enforces its rules, and should expand the types of content removal it includes in the company's transparency reporting.
- The company should be **more transparent about the type of user information that Microsoft collects, shares, retains, and for what purpose**. Microsoft should also provide users with control over the types of information it collects and shares.
- Microsoft should clearly commit to **notify users when their content or accounts are restricted**, and should also provide the reasons for these decisions.

Transparency on these issues is not only important from a human rights perspective, but also key to ensuring 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 this week 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
peter@accessnow.org