

OPEN LETTER: RESPONSE TO GOOGLE ON PROJECT DRAGONFLY, CHINA AND HUMAN RIGHTS

To: Sundar Pichai, Chief Executive Officer, Google Inc

cc: Ben Gomes, Vice President of Search; Kent Walker, Senior Vice President of Global Affairs; Scott Beaumont, Vice President, Greater China & Korea

11 December 2018

Dear Mr Pichai,

We are writing to ask you to ensure that Google drops Project Dragonfly and any plans to launch a censored search app in China, and to re-affirm the company's 2010 commitment that it won't provide censored search services in the country.

We are disappointed that Google in its letter of 26 October¹ failed to address the serious concerns of human rights groups over Project Dragonfly. Instead of addressing the substantive issues set out in the August letter,² Google's response – along with further details that have since emerged about Project Dragonfly – only heightens our fear that the company may knowingly compromise its commitments to human rights and freedom of expression, in exchange for access to the Chinese search market.

We stand with current and former Google employees speaking out over recent ethical scandals at the company, including Project Dragonfly. We wholeheartedly support the message from hundreds of Google employees asking Google to drop Dragonfly in their open letter of 27 November, and commend their bravery in speaking out publicly. We echo their statement that their "opposition to Dragonfly is not about China: we object to technologies that aid the powerful in oppressing the vulnerable, wherever they may be."³

New details leaked to the media strongly suggest that if Google launches such a product it would facilitate repressive state censorship, surveillance, and other violations affecting nearly a billion people in China. Media reports state that Google has built a prototype that censors "blacklisted" search terms including "human rights", "student protest" and "Nobel Prize", including in journalistic content, and links users' search queries to personal phone numbers.⁴ The app would also force users to sign in to use the service, track and store location information and search histories, and provide "unilateral access" to such data to an unnamed Chinese joint venture company, in line with China's data localization law – allowing the government virtually unfettered access to this information.⁵

Facilitating Chinese authorities' access to personal data, as described in media reports, would be particularly reckless. If such features were launched, there is a real risk that Google would directly assist the Chinese government in arresting or imprisoning people simply for expressing their views online, making the company complicit in human rights violations. This risk was identified by Google's own security and privacy review team, according to former and current Google employees. Despite attempts to minimize internal scrutiny, a team tasked with assessing Dragonfly concluded that Google "would be expected to function in China as part of the ruling Communist Party's authoritarian system of policing and surveillance," according to a media report.⁶

Actively aiding China's censorship and surveillance regime is likely to set a terrible precedent for human rights and press freedoms worldwide. A recent Freedom House report warned that the

Chinese government is actively promoting its model of pervasive digital censorship and surveillance around the world.⁷ Many governments look to China's example, and a major industry leader's acquiescence to such demands will likely cause many other regimes to follow China's lead, provoking a race to the bottom in standards. It would also undermine efforts by Google and other companies to resist government surveillance requests in order to protect users' privacy and security,⁸ emboldening state intelligence and security agencies to demand greater access to user data.

Google's letter makes several specific points that are directly contradicted by other sources. The letter states that it is "not close" to launching a search product in China, and that before doing so the company would consult with key stakeholders. However, as reported by the media, comments made in July by Ben Gomes, Google's Head of Search, suggested the product could be "six to nine months [to launch]" and stressed the importance of having a product ready to be "brought off the shelf and quickly deployed" so that "we don't miss that window if it ever comes."⁹

The letter also states that Google worked on Dragonfly simply to "explore" the possibility of re-entering the Chinese search market, and that it does not know whether it "would or could" launch such a product. Yet media reports based on an internal Google memo suggest that the project was in a "pretty advanced state" and that the company had invested extensive resources to its development.¹⁰

Google's decision to design and build Dragonfly in the first place is troubling. Google's own AI Principles commit the company not to "*design or deploy*" (emphasis added) technologies whose purpose contravenes human rights. Given the company's history in China and the assessment of its own security team, Google is well aware of the human rights implications of providing such an application. Moreover, Google's letter fails to answer many questions about what steps, if any, the company is taking to safeguard human rights, including with respect to its current Chinese mobile app offerings, consistent with its commitments.

We urge Google to heed concerns from its own employees and from organizations and individuals across the political spectrum by abandoning Project Dragonfly and reaffirming its commitment not to provide censored search services in China. We also note that the letter makes no reference to whistle-blowers, and thus we urgently repeat our call to the company that it must publicly commit to protect the rights of whistle-blowers and other workers voicing rights concerns.

We welcome that Google has confirmed the company "takes seriously" its responsibility to respect human rights. However, the company has so far failed to explain how it reconciles that responsibility with the company's decision to design a product purpose-built to undermine the rights to freedom of expression and privacy.

Signed, the following organizations:

Access Now

ActiveWatch – Media Monitoring Agency (MMA)

Adil Soz - International Foundation for Protection of Freedom of Speech

Americans for Democracy & Human Rights in Bahrain (ADHRB)

Amnesty International

Article 19

Articulo 12 - Son Tus Datos

Association for Progressive Communications

Asociacion para una Ciudadania Participativa

Bolo Bhi

Briar Project
Bytes for All (B4A)
Cartoonists Rights Network, International (CRNI)
Center for Democracy & Technology
Center for Media Freedom and Responsibility (CMFR)
Center for Independent Journalism (CIJ)
Child Rights International Network (CRIN)
Committee to Protect Journalists (CPJ)
Electronic Freedom Foundation (EFF)
Foro de Periodismo Argentino (FOPEA)
Freedom of the Press Foundation
Freedom Forum
Fundación Datos Protegidos (Chile)
Fundacion Internet Bolivia
Globe International Center (GIC)
Hong Kong Journalists Association
Human Rights in China (HRIC)
Human Rights First
Human Rights Watch
Independent Chinese PEN Center (ICPC)
Independent Journalism Center (IJC)
Index on Censorship
Initiative for Freedom of Expression – Turkey
Interfaith Center on Corporate Responsibility (ICCR)
International Campaign for Tibet
International Service for Human Rights (ISHR)
International Tibet Network Secretariat
Internet Sans Frontières
Latin American Observatory of Regulation, Media and Convergence – OBSERVACOM
Media Rights Agenda (MRA)
Mediacentar Sarajevo
NetBlocks
Network of Chinese Human Rights Defenders (CHRD)
New America's Open Technology Institute
Norwegian PEN
OpenMedia
Pacific Island News Association
Palestinian Center for Development and Media Freedoms (MADA)
PEN International
PEN America
Privacy International
Reporters Without Borders (RSF)
Software Freedom Law Center, India (SFLC.in)
South East Europe Media Organisation (SEEMO)
Southeast Asian Press Alliance (SEAPA)
Students for a Free Tibet
Syrian Center for Media and Freedom of Expression (SCM)
Tibet Action Institute
Việt Tân
WITNESS
World Uyghur Congress

Signed in individual capacity (affiliations for identification purposes only):

Chinmayi Arun
Assistant Professor, National Law University Delhi

Arturo J. Carrillo
Clinical Professor of Law, The George Washington University Law School

Richard Danbury
Associate Professor, Journalism, De Montfort University Leicester

Ronald Deibert
Professor of Political Science and Director of the Citizen Lab, University of Toronto

Molly K. Land
Professor of Law and Human Rights, University of Connecticut School of Law

Rebecca MacKinnon
Director, Ranking Digital Rights

Deirdre K. Mulligan
Associate Professor, School of Information and Faculty Director, Berkeley Center for Law and Technology, University of California, Berkeley

Paloma Muñoz Quick
Director, Investor Alliance for Human Rights (IAHR)

Edward Snowden
President, Freedom of the Press Foundation

Lokman Tsui
Assistant Professor, School of Journalism and Communication, The Chinese University of Hong Kong

¹ Letter from Kent Walker, Senior Vice President for Global Affairs at Google, responding to concerns of multiple human rights organizations and individuals, 26 October 2018, <https://www.amnesty.org/en/documents/ASA17/9552/2018/en/>

² Letter to Sundar Pichai from multiple human rights organizations and individuals, 28 August 2018, <https://www.documentcloud.org/documents/4792329-Google-Dragonfly-Open-Letter.html>

³ Google employees, 'We are Google employees. Google must drop Dragonfly', 27 September 2018, <https://medium.com/@googlersagainstdragonfly/we-are-google-employees-google-must-drop-dragonfly-4c8a30c5e5eb>

⁴ Ryan Gallagher, 'Google China Prototype Links Searches to Phone Numbers', *The Intercept*, 14 September 2018, <https://theintercept.com/2018/09/14/google-china-prototype-links-searches-to-phone-numbers/>; Jack Poulson, Letter to Senate Commerce Committee, 24 September 2018, <https://int.nyt.com/data/documenthelper/328-jack-poulson-dragonfly/87933ffa89dfa78d9007/optimized/full.pdf>

⁵ Ryan Gallagher and Lee Fang, 'Google Suppresses Memo Revealing Plans To Closely Track Search Users In China', *The Intercept*, 21 September 2018, <https://theintercept.com/2018/09/21/google-suppresses-memo-revealing-plans-to-closely-track-search-users-in-china/>

⁶ Ryan Gallagher, 'Google Shut Out Privacy and Security Teams from Secret China Project', *The Intercept*, 29 November 2018, <https://theintercept.com/2018/11/29/google-china-censored-search/>

⁷ Freedom House, 'Freedom on the Net 2018: The Rise of Digital Authoritarianism', October 2018, <https://freedomhouse.org/report/freedom-net/freedom-net-2018/rise-digital-authoritarianism>

⁸ Reform Government Surveillance Coalition

⁹ Ryan Gallagher, 'Leaked Transcript Of Private Meeting Contradicts Google's Official Story On China', *The Intercept*, 9 October 2018, <https://theintercept.com/2018/10/09/google-china-censored-search-engine/>

¹⁰ Ryan Gallagher and Lee Fang, 'Google Suppresses Memo Revealing Plans to Closely Track Search Users in China', *The Intercept*, 21 September 2018, <https://theintercept.com/2018/09/21/google-suppresses-memo-revealing-plans-to-closely-track-search-users-in-china/>