INTERVIEW REQUEST TO COMPANIES THAT PRODUCE OR DISTRIBUTE TECHNOLOGY WITH SURVEILLANCE CAPABILITIES IN LATIN AMERICA

We invited the companies to an interview as the last chance to contact them in the cases they have not answered before, and to do a follow up if they had.

We received no answer to the interview request from BGH Tech Partner, Security Team Network S.A, Danaide, Hikvision, Full Tecnología FullTec CIA. LTDA, Huawei, Oi, Unitech S.A, Idemia, Oosto (formerly known as Anyvision), RC International, Unión Eléctrica S.A., ZTE, Dahua, IBM, Verint.

These are the answers we got to the interview request from other companies:

RESPONSES TO ACCESS NOW INTERVIEW REQUEST

— CELLEBRITE

From: Gaspar Pisanu <gaspar@accessnow.org>
Sent: Thursday, June 2, 2022 13:25
To: Jacqueline
Cc: Angela Alarcon <angela@accessnow.org>, Isedua Orbitalab <isedua@accessnow.org>
Subject: Re: Access Now - [Invitation to answer] Surveillance technology in Argentina

Dear Jacqueline,

Thanks for your response and for pointing us to the resources on Cellebrite’s website. Cellebrite’s corporate responsibility commitment is remarkable but an important part of adhering to that commitment under the UN Guiding Principles on Business and Human Rights is providing transparency through meaningful engagement with stakeholders to understand the real world impacts of your products and services.

As we mentioned in our previous outreach, this topic touches on the human rights of people throughout the Latin America region and we would appreciate the opportunity to speak with the Cellebrite team in more detail about how they enforce their policies and about the impacts we as civil society see on human rights.

Please let me know if you have any questions. Can we arrange a time to talk with the Cellebrite team in the coming weeks? Our Business & Human Rights Lead, Isedua, is copied here.

Best regards,
Jacqueline

To: Gaspar Pisani <gaspar@accessnow.org>
Cc: Angela Alarcón <angela@accessnow.org>, Isedu Orihabor <isedua@accessnow.org>

Gaspar,

Thank you for your note. We appreciate your interest, but we are not able to accommodate your request to arrange a conversation with the Cellebrite team.

Best regards,
Jacqueline

--- NEC

From: Angela Alarcón <angela@accessnow.org>
Sent: Thursday, August 4, 2022 7:11 PM
To: Cristina
Cc: Gaspar Pisani <gaspar@accessnow.org>, Isedu Orihabor <isedua@accessnow.org>
Subject: Re: Access Now - [Invitation to answer] Surveillance technology in Argentina

Dear Gaspar,

I’m the campaigner for Latin America and I’m stepping in for a follow-up.

An important part of adhering to the UN Guiding Principles on Business and Human Rights is providing transparency through meaningful engagement with stakeholders to understand the real world impacts of your products and services.

As we mentioned in our previous outreach, this topic touches on the human rights of people throughout the LATAM region and we would appreciate the opportunity to speak with the NEC team in more detail about how they enforce their policies and about the impacts we see civil society see on human rights.

Can we arrange a time to talk with someone in your team in the coming weeks? We will wait for your answer until August 16. Our Business & Human Rights Lead, Isedu, is copied here.

Regards,

--- NEC

From: Isedu Orihabor <isedua@accessnow.org>
Sent: Tuesday, August 9, 2022 1:24 AM
To: Angela Alarcón <angela@accessnow.org>, Gaspar Pisani <gaspar@accessnow.org>
Cc: Cristina

Dear Angela,

Thank you for your follow-up inquiry.

We’d like to communicate through email rather than phone calls (for accuracy because there are many stakeholders involved. Also, we’re working to provide transparent information in accordance with UN Guiding Principles, so all of our information on the human rights is disclosed on our website to the extent possible.

Please take a look at our latest information on “Respecting Human Rights” here:
http://www.nec.com/eng/our_sustainability/human_rights.html

We appreciate your understanding.

Best,

--- NEC

From: NEC Corporation
Sent: Tuesday, August 9, 2022 1:24 AM
To: Angela Alarcón <angela@accessnow.org>, Gaspar Pisani <gaspar@accessnow.org>
Cc: Cristina

Dear Angela,

Thank you for your follow-up inquiry.

We’d like to communicate through email rather than phone calls (for accuracy because there are many stakeholders involved. Also, we’re working to provide transparent information in accordance with UN Guiding Principles, so all of our information on the human rights is disclosed on our website to the extent possible.

Please take a look at our latest information on “Respecting Human Rights” here:
http://www.nec.com/eng/our_sustainability/human_rights.html

We appreciate your understanding.

Best,
Dear Angela,

Thank you for your follow up inquiry,

We’ve given you all the information we can provide.

We will publish the newest Sustainability Report (2022) on September 29th here; https://www.nec.com/en/global/csr/report/index.html

We hope that will be useful to you.

Best regards,

Yuri
Dear Fabio,

Greetings from Access Now. We really appreciate the answers you sent to the Business and Human Rights Resource Center in regard to your technology with surveillance capabilities. We are particularly pleased to read that your company does not perform any personal data treatment. The Center told us you are also writing to engage in an email interview. In that case, we will like to do a follow-up on some of your answers. Feel free to respond in English or Portuguese.

You mentioned that just a small portion of your business in Brazil is dedicated to agreements with public bodies. Could you share a list with those public bodies and what type of product or service you provide to them? Also, could you elaborate on Dahua’s role in your business? Is the 10% dedicated to certain products or services in particular, or is Dahua a co-owner of the whole business? What kind of documents are taken by Dahua? Could you provide any information that gives an idea of Dahua’s involvement with your company?

In the same line of thought, it is mentioned that it needs to benefit from Dahua’s research and development team in China. In that case, we wanted to know if either Dahua or Dahua conducts an impact assessment—especially an algorithmic impact assessment—during the development phase of the products. If so, Dahua or Dahua adopts the principles of privacy by design. If the answer is no, and with the purpose of active transparency, could you make the result of such assessment available to the public?

Regarding the involvement of third parties in the reselling of your products. Could you please mention which partners resell your technology with surveillance capabilities? We also appreciate that you shared an excerpt of your Data Privacy Policy, which indicates that the responsibility for the protection of data privacy data lies on the user (as you also mentioned in your answers). According to the UN Guiding Principles for Business and Human Rights, business enterprises should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. And “addressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation and, where appropriate, remediation.” Moreover, “organizations of all types may face situations in which a business enterprise contributes to, or is seen as contributing to, adverse human rights impacts caused by other parties.” Does Dahua have any policies or procedures to guarantee that third-party data is not being abused?

In the previous questions shared by the BHRRF, we wanted to know if Dahua has a process to decide if a potential client, including authorities, should be vetoed. We appreciate that you are interested in high ethical standards, but we would like to know more details. Especially, does Dahua do a pre-sale background review of potential clients, including authorities, for the consideration of previous human rights violations from that actor? Has Dahua ever denied the sale of a product to an authority? If so, why?

You also mentioned that there are available channels to report violations to the ethical principles. What are the mechanisms for civil society to denounce potential human rights abuses or misuse of your products or services? We really appreciate a channel to collaborate with you.

Finally, we acknowledge the effort to have done to comply with the Brazilian Data Protection Law, but we are worried about the risks to individuals’ privacy by the collection of their biometric data. In that line, we want to know if Dahua has any measures to prevent the profiling of individuals with their technology.

We welcome your sincere answers, which will be shared on our website to give continuity to the answers provided to the BHRRF.

Thanks again,

André Alencar
Campaigner for Latin America & the Caribbean
Access Now | accessnow.org
Hi, Angela and team,

How are you?

I work with Fabio at Trama Comunicação and he is on vacation.

Please find attached the interview answered by Bruno.

Do you know when the interview will be published? Can you send us the link please?

If you have any doubt, please do let me know.

Thanks in advance.

Best regards;

www.tramaweb.com.br
Siga o nosso perfil no LinkedIn
• Could you share a list with those public bodies and what type of product or service you provide to them? We also noted that Dahua owns 10% of your business. Is this 10% dedicated to certain products or services in particular, or is Dahua a co-owner of the whole business? [Bruno Machado Teixeira] Nossos produtos são comercializados via canal de distribuição construído ao longo dos nossos 46 anos de história, presente em todo território brasileiro, de forma que os negócios com órgãos públicos representam pouca relevância em nosso ambiente de negócios. Esses negócios são públicos e podem ser acessados através das ferramentas de transparência em todas as esferas do governo brasileiro. A Dahua possui 10% das ações da Intelbras S/A, sendo, portanto, um acionista minoritário, conforme dados publicados em nosso site de relações com investidores: https://ri.intelbras.com.br/governanca-corporativa/composicao-acionaria/

• What kind of decisions are taken by Dahua? [Bruno]: A Dahua, como acionista, não toma decisões. Em nossa estrutura de governança, está prevista a participação de 1 membro apontado por eles em nosso conselho de administração e portanto é parte do processo decisório emitindo suas opiniões e contribuindo para o negócio, mas de forma minoritária.

• We wanted to know if either Intelbras or Dahua conducts an impact assessment -especially an algorithmic impact assessment- during the product design and development phase and if either Intelbras or Dahua adopts the concepts of privacy by design. If the answer is yes, and with the purpose of active transparency, could you make the result of such assessment available respecting trade and industrial secrets? [Bruno]: Em nosso processo de desenvolvimento todos os cuidados com a privacidade e respeito à legislação vigente são levados em consideração, incluindo mas não se limitando à LGPD. Não divulgamos relatórios internos e processos de desenvolvimento.

• Regarding the involvement of third parties in the reselling of your products. Could you please mention which partners resell your technology with surveillance capabilities? [Bruno]: Atualmente nossa base de revendedores possui capilaridade em todo o território nacional, adquirindo e comercializando nossos produtos através de nossos distribuidores autorizado, com presença em todo o país. As mais de 80.000 revendas que se relacionam de maneira frequente com nosso canal de distribuição são capacidades e habilitadas a oferecer e instalar os projetos de segurança por meio de treinamentos disponibilizados pela Intelbras (https://cursos.intelbras.com.br/portal/layout/927/intelbras/home.asp?workspaceID=1250).

• Does Intelbras have any policies or processes to guarantee that third-party data is not being abused? [Bruno]: Nossos produtos foram desenvolvidos prevendo chaves de acesso e níveis de acesso a serem configurados pelos usuários. Todos possuem chaves de acesso que ficam sob gestão dos clientes que os adquiriram. A Intelbras também disponibiliza nossas políticas de compliance e código de ética a todos os envolvidos e faz negócios de acordo com estas políticas. https://ri.intelbras.com.br/governanca-corporativa/estatuto-codigos-e-politicas/

• Does Intelbras do a pre-sell background review of a potential client, including authorities, for the consideration of previous human rights violations from that actor? Has Intelbras ever denied the sale of a product or service to an authority? If so, why? [Bruno]: Nossos negócios são realizados em base nossos valores, políticas e código de ética e são focados no Brasil. Não fazemos negócios com qualquer cliente que viole nossos princípios.
• What are the mechanisms for civil society to denounce potential human rights abuses or misuses of your products or services?
[Bruno]: Contamos com 14 frentes de canais de comunicação com o público em geral. Destacamos nossos canais de denúncia que conta com um telefone para contato direto e com site seguro para que a denúncia possa ser anonimamente realizada: https://www.intelbras.com/pt-br/canal-de-denuncia

• We want to know if Intelbras has any measures to prevent the profiling of individuals with their technology.
[Bruno]: Não há ajustes que permitem o uso da tecnologia para fins de elaboração de perfis de indivíduos em nossos produtos.