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Protecting and Advancing
Freedom of Expression and
Privacy in Information and
Communications Technologies

July 30 2013

Dear Shahzad,

Subject: open letter in response to your letter of July 17 2013

Thank you for your letter dated July 17 2013 regarding claims you referenced which were made by a representative of the Pakistan Telecommunication Authority in the Lahore High Court on July 4 2013. I have shared the letter with GNI's Board as requested and I'm glad that we had the opportunity to talk about the issue directly last week.

I have also been in touch with representatives from Facebook including Richard Allan who received a copy of your letter to me. My understanding is that you will receive a response from Facebook on the specific questions you raise in your letter.

The communications that I have had with Facebook make clear that there are two specific instances when they will act to remove or block access to content. The first is when content violates their Statement of Rights and Responsibilities. The second is when they are notified that content is unlawful in a particular jurisdiction. When Facebook receives a notice from a law enforcement authority notifying it that certain content is illegal, Facebook will review the order and confirm that the body requesting the removal is authorised to do so and that the content is indeed a violation of law in that jurisdiction. Only after that review has taken place will content be restricted in that particular jurisdiction. It remains visible to people outside of that jurisdiction. This is a common approach that Facebook takes in all countries.

It is important to acknowledge that there are many countries around the world where companies face challenges when required to comply with laws and regulations that many see as imposing restrictions on free expression. When a government in such a country requests that content is removed on the grounds that it violates local law, one approach a company may take to maximize expression in the face of these laws is to block content only in the specific jurisdiction where that content is illegal. GNI has created a framework for company decision-making based on international human rights standards which looks to protect the free expression and privacy rights of users. This framework is publicly available on our website at www.globalnetworkinitiative.org.

I wanted to specifically address the request at the end of your letter to review the way in which Facebook approaches requests from the Government of Pakistan to see if they are



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consistent with GNI's principles and guidelines. When companies join GNI they make a commitment to implement our principles and guidelines within their organisation. When companies have been members for two years they then undergo their first independent assessment to look at whether the company is putting in place the policies, systems and processes in place to implement the principles. The next assessment considers what is actually happening in practice through a case review process and a determination of compliance.

When we become aware of an issue regarding a GNI company member, then we engage in a dialogue with the company in question to review the issue, which is what we have done in this case. We may also conduct internal discussions and learning sessions with our members to better understand the issue and where necessary, propose options to address it.

We do not conduct ad hoc reviews of company compliance with our principles. However, we have recognised that an important aspect of GNI's work in the future is going to be to provide some kind of mechanism for stakeholders who want to raise concerns with GNI about the actions of our members, or to more broadly engage with our work. Last year we worked with Shift, a US non profit organisation, to help us think through how we could put such a mechanism in place. We expect to talk publicly about our next steps on this work when we publish our next assessment report on our three founding companies.

Thank you again for contacting me and please let me know if there is anything in particular in this letter that you would like to discuss in more detail.

With best wishes

Susan Morgan
Executive Director
GNI

Copy to:

- Board members of the Global Network Initiative (GNI)
- Lord Richard Allan, Facebook Inc, UK
- Mr Frank La Rue, UN Special Rapporteur on Freedom of Expression, UN Human Rights Council
- Mr Maina Kiai, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association
- Best Bits Network
- Ms Anusha Rehman, Minister of State for IT & Telecommunication, Government of Pakistan
- The Chairman, Pakistan Telecommunication Authority, Government of Pakistan