

Reporting Framework



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

Introduction

The GNI Board will make a determination of compliance for each assessed company based on the written report the GNI Board receives. This framework provides guidance for the written report. Although the Board may seek additional information from the assessor or the company that may at times be provided verbally rather than in written form, this should not be construed as authorizing the assessor to respond to requests from the Board to seek information that was omitted from the report because of privilege, confidentiality or other agreed upon reasons.

This framework provides a list of elements each assessor should include in their report at the conclusion of the assessment process.

The core goal of this framework is to provide a basis for a determination of compliance by the GNI Board. To this end, both for specific assessments and for the overall assessment process of all companies, the framework will:

- Ensure GNI's ability to assess the effectiveness of the assessment process;
- Enable GNI to ensure consistency in approach assessments.

Effective reporting is fundamental to GNI's ongoing success. Reporting incorporates a three-stage process:

1. The assessors will prepare a draft report and provide it to the assessed company
2. The company will have a reasonable opportunity to correct any factual errors or suggest revisions.
3. The assessor will then prepare a final report and provide the company with a reasonable opportunity to remove information due to confidentiality or other agreed upon reasons and distribute the final report to the GNI Board in paper copy two weeks before the GNI Board meeting when the outcome of the assessments will be discussed.

Expectations for the Board meeting where the outcome of the assessments will be discussed (and which the assessors will attend) are given in Appendix A. At this Board meeting, decisions will also be taken about what will be reported publicly through GNI's reporting and what Board members will be able to say publicly. A set of talking points will be agreed by the Board. Additionally, companies will report publicly on the outcome of their own assessment through a method of their choice within six months of the assessment taking place.

It is anticipated that the majority of the report will be focused on its results and conclusions.

When compiling their reports, it is expected that the assessors will follow the guidance within this reporting framework but also exercise their professional expertise and discretion.

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Context of Assessment

The Assessor (s)

The Assessor should identify themselves or the team that has carried out the work and provide some general information about their relevant areas of expertise.

The Assessor will already have reviewed and agreed to the independence and competency criteria as a part of the accreditation process with GNI, but they should include a statement that they have remained in compliance with the criteria throughout the work.

The Company

The assessor should identify the company being assessed and provide some general information about the company, including its lines of business, relevant geographic markets and the structure of its organization. This information can ordinarily be acquired from public sources or from the company's report to the assessor and is not competitively sensitive information.

The Assessment

The assessor should set out information about the scope of the assessment. This should include geographic markets, lines of business and business functions. The assessor will describe how a materiality approach was applied to determine the scope and the risk factors considered in determining areas on which to focus the review. The assessor will confirm that the assessment is bounded by the GNI Principles that includes where the company has operational control and the use of best efforts where the company does not have operational control.

The assessor should briefly describe how the GNI Principles and Implementation Guidelines were utilized in the assessment process. The assessor should describe how they conducted the assessment.

The first assessment covers all aspects of a company's systems, policies and procedures to implement its GNI commitments. This includes how the Principles were applied in actual cases to test how the processes are used in practice. In subsequent assessments the focus will be on any material changes that have been made since the previous assessment. In these assessments, case reviews will continue to be used to test the systems, policies and procedures in place both existing and new. The reporting from the assessor should reflect this approach.

In the assessment report the assessor will describe the number of cases that were considered, how they were identified including the involvement of other stakeholders and outside research sources in the selection process, and specifically noting whether individual cases were proposed by a GNI stakeholder or Board member or were significantly highlighted by human rights reports or outside news sources. The assessor will describe how and why the final selection of cases was determined. Finally the assessor will include their view on how representative the cases are of corporate performance.

The assessors will provide commentary on whether they had sufficient access to information to perform the assessment effectively, including challenges they faced when attempting to obtain information from primary documentation or relevant employees. The assessor will also describe what steps they took in any instances where they were not able to access information necessary for the assessment to be effective. The assessor should also detail the number of interviews carried out and give an indication of the nature and relevance of the roles and responsibilities of the people to the selected cases. The assessor should describe the types of documents they had access to and confirm that they received the information they needed to conduct the assessment.

Results and conclusions

It is expected that this section will constitute the majority of the assessor report. The assessor will cover each of the aspects below in their report.

Please structure this part of the report around the five specific themes of the assessment as outlined in the assessment guidance and listed below. Please use the details in the systems policies and procedures and specific cases sections below as guidance on information to include.

1. Governance
2. Risk management
3. Implementation
4. Follow up and improvement
5. Transparency

Systems, policies and procedures

With regard to the systems, policies and procedures the company either has in place or is putting in place to implement GNI's Principles, please describe:

- When and how the company uses human rights impact assessments and whether they identified actual problems being confronted by the company
- How the company ensures that the Board, senior officers and others responsible for key decisions on freedom of expression and privacy are fully informed of the Principles and how they could be advanced. How serious concerns about government demands are escalated to the Board or senior management for a top level decision
- How the company identifies where freedom of expression and privacy may be jeopardized or advanced and how GNI's Principles are integrated into decision-making
- How the company ensures that the Principles are employed where they have operational control
- What efforts they make to ensure the Principles are followed when relevant by business partners, investors, suppliers and distributors

- How the company is working individually and collectively through GNI to engage governments and international institutions to promote the rule of law and the adoption of laws, policies and practices that protect, respect and respect freedom of expression and privacy
- What communication and training is available for Board members and relevant employees and what systems the company has in place to report violations of the Principles
- How the company communicates with users about freedom of expression and privacy issues online

For subsequent company assessments after the first, the focus will be on material changes that have been made since the last assessment. Cases will continue to test the policies, procedures and systems that are in place. Material changes would include changes to the systems, policies and procedures to implement GNI commitments, new markets, products and services, mergers and acquisitions or emerging human rights challenges. The assessment reporting should reflect this.

Specific cases

The review of specific cases is designed to demonstrate that the companies both have the systems, policies and procedures in place to be compliant with GNI's Principles and that they are being implemented in practice.

For each case the report should summarize the basic facts and context behind the case including why the case was chosen. It is acknowledged that for the specific cases chosen there will be limits on the information that can be shared with the GNI Board either for legal reasons or to protect the privacy and safety of certain individuals. However, to further GNI's work, some degree of information sharing about the specific cases is required to help determine that the assessment has been successful and to ensure comparability between the different assessments of each member company that will be carried out.

It is also anticipated that information about specific cases could feed into the wider learning and policy work of GNI.

It is expected that information to be shared will be anonymized to avoid disclosure of particularly sensitive material and in particular to protect the privacy and security of individuals, and that the country in which the case took place may or may not be shared depending on the specifics of the case. The assessor should report in sufficient detail the particular facts and circumstances of each selected case and describe the facts and circumstances that gave rise to any challenges the company faced in implementing the GNI Principles.

For selected cases, in addition to the information described above on the number of cases, how they were selected and the rationale for the choice, please provide examples of how the company implemented its policies and procedures to:

- Avoid, minimize or mitigate the impact of government restrictions on freedom of expression, including restrictions on the information available to users and the opportunities for users to create and communicate ideas and information, regardless of frontiers or media of communication
- Respond if confronted with government demands, laws and regulations to suppress freedom of expression, remove content or otherwise limit access to information and ideas in a manner inconsistent with internationally recognized laws and standards
- Employ protections regarding personal information to protect the privacy rights of users
- Employ protections for users if confronted with government demands, laws or regulations that compromise privacy in a manner inconsistent with internationally recognized laws and standards
- Carry out a human rights impact assessment
- Determine whether it was necessary to notify the company Board or otherwise escalate the decision within the company's management structure
- For each case, please describe the relevant company policies and procedures that were applied

Determining compliance

Drawing on the assessor's report, the GNI Board will consider the following factors in determining whether a company is in compliance with GNI's Principles:

- Whether the company has the systems and procedures in place as set out in the Principles, and whether they are being operationalized effectively across the company, including as illustrated through the specific cases considered, and further evidenced by additional information provided by the assessor;
- Whether the company has made progress in implementing the Principles since its last assessment, where there has been one previously, and has concrete and time-bound plans to address material aspects of the effective operationalization of the Principles that have not yet been adequately implemented;
- A determination of "compliance" may reflect that the company has additional progress to make on agreed areas of implementation.

The assessor will provide information on whether the company's policies and procedures are being implemented in fact, including details with regard to the review of specific cases and systems, policies and procedures.

GNI's Board will consider whether the company has policies and procedures in place that reflect the efforts of the company to implement GNI's Principles and Guidelines. It will also consider whether a company's policies and procedures were implemented using reasonable efforts, and where governments or other institutions affected the outcome of a case in a manner that implementation could not prevent or change, as opposed to a

situation in which reasonable efforts to implement GNI's Principles were not taken.

Assessor view and recommendations

The assessor should give a view on where the company has exhibited strengths and successes in implementing GNI's Principles and where problems may exist with the company's implementation. The assessor should also identify any gaps where the company has not yet implemented a policy or process.

The assessor should describe the recommendations for improvements that they have provided to the companies. This should include information about plans and dates for remaining aspects of the Principles that have not yet been implemented.

The assessor should describe any recommendations for GNI on how the assessment process could be improved.

