

Appendix I: Process Review Questions

1. CONTEXT OF ASSESSMENT

1.1. The Assessor

- 1.1.1. Please identify the members of your team who carried out the independent assessment. (no limit)
- 1.1.2. Do you affirm that your organization and all members of your team complied with the GNI's Independence and Competency Criteria throughout the assessment process? [Yes/No]

1.2. The Company

- 1.2.1. Please describe the company you assessed, the structure of its organization, its lines of business, and its relevant geographic markets. (150 words)

1.3. Assessment Scope

- 1.3.1. Please describe which of the company's business functions, lines of business, and geographic areas are material to its impacts on the rights to free expression and privacy, and therefore included in this assessment. (250 words)
- 1.3.2. Please describe:
 - a) the nature of the information to which you had access, including confidential or non-public documents (no limit)
 - b) the number of interviews you conducted during the assessment process, including the roles and responsibilities of the interview subjects. (no limit)
- 1.3.3. Please explain whether you had access to sufficient information to conduct the assessment effectively, and describe any challenges you faced in accessing relevant information and how you surmounted them. (no limit).

2. GOVERNANCE

- 2.1. What are the respective roles of the Board and Senior Management in the company's implementation of the GNI Principles? (100 words) [IG 2.3(a), 2.3(b), 2.13(h)]
- 2.2. How does the Board provide strategic oversight of the company's implementation of the GNI Principles? Does it receive and evaluate human rights reporting from management? (50 words) [IGs 2.1, 2.2]
- 2.3. Is there a senior-directed human rights function within the company? (Yes/No) [IG 2.13(a)]

- 2.4. Please describe the company's internal structures for implementing the GNI Principles into its routine business operations. (100 words) [IG 2.12, 2.13(b), 2.13(c), 2.13(d) 2.13(i)]
- 2.5. How does the company train its personnel on freedom of expression and privacy-related risks? Please discuss in relation to the Board, Senior Management, and frontline personnel who are most likely to face free expression and privacy challenges. (50 words) [IG 2.3 (c), 2.13(i)]
- 2.6. When and how must freedom of expression and privacy related issues be escalated to higher levels of the company t? (100 words) [IG 2.3 (d), 2.13(j)]

3. DUE DILIGENCE & RISK MANAGEMENT

3.1. Due Diligence

- 3.1.1. What processes or mechanisms does the company have to identify potential risks to freedom of expression and privacy that may be connected to:
 - a) Products, including the development of new products or substantial changes in existing products?
 - b) Markets, including an evaluation of relevant local laws and practices at the time of market entry, and as they change over time?
 - c) Acquisitions and partnerships where the company has operational control?
 - d) Other business relationships? (300 words) [IG 2.4, 2.5, 2.8, 2.9]
- 3.1.2. How does the company ensure that frontline personnel can bring potential issues to the attention of the individual(s) responsible for due diligence? (100 words) [IG 2.3(d), 2.5, 2.13(g), 2.13(j)]
- 3.1.3. When the company's due diligence surfaces human rights issues for analysis, mitigation, and prevention, how does the company prioritize among those human rights issues? (100 words) [IG 2.4, 2.7(a), 2.8 2.10]
- 3.1.4. How does the company decide whether a human rights impact assessment (HRIA) is required to develop effective prevention and mitigation strategies? Please discuss in relation to both product- and market-based risks. (150 words) [IG 2.4, 2.5, 2.6, 2.7(a)]
- 3.1.5. How does the company conduct an HRIA? Please provide specific examples if helpful.
 - a) What sources does it incorporate? [IG 2.7(b), 2.7(e)]
 - b) How does it measure the freedom of expression and privacy risks in a given market? [IG 2.7(a)]

- c) How does it account for the freedom of expression and privacy risks associated with a contemplated partnership? [IG 2.7(c)]
- d) How does it evaluate whether relevant domestic laws, legal systems and practices in each market threaten human rights? [IG 2.7(d)]
- e) How does the company incorporate the results of HRIAs into its policies, procedures, and internal processes? (300 words) [IG 2.7(g), 2.7(h)]

3.1.6. Are external stakeholders consulted during an HRIA routinely informed about how the company has acted upon the findings of the HRIA? [Yes/No]

3.1.7. How does the company revisit issues over time to capture changes in products, markets, or relationships? (100 words) [IG 2.5, 2.6, 2.7(f), 2.10, 2.11]

3.2. Risk Management

3.2.1. Please describe how the company prevents or mitigates freedom of expression and privacy risks identified by its due diligence processes. Please discuss with regard to circumstances where the company has and does not have operational control, and incorporate specific examples as helpful. (300 words) [IG 2.4, 2.5, 2.6, 2.7(g), 2.7(f), 2.9, 2.10, 2.11, 3.4]

4. FREEDOM OF EXPRESSION & PRIVACY IN PRACTICE

4.1. Describe the policies and procedures that set out how the company will assess and respond to government restrictions and demands. Specifically, do they:

- a) Require governments to follow established domestic legal processes?
- b) Request clear written communications from governments substantiating the legal basis for a restriction or demand?
- c) Address how the company will respond when a government fails to provide a written directive or adhere to legal procedure?
- d) Require the narrow interpretation of government requests, including the requesting government's jurisdiction, to minimize impacts on its users?
- e) Require detailed records of all incoming government requests be maintained? [IG 2.13(e)]

In answering, please describe who in the company is responsible for designing, implementing, overseeing, and revising these policies. Please incorporate specific examples where helpful to illustrate the efforts, which the company has made to implement the GNI Principles in dealing with these situations. (500 words) [IG 2.13b, 2.13e, 3.1c, 3.1d, 3.2a, 3.2b, 3.2c, 3.2d, 3.2e, 3.2f, 3.2g]

4.2. How does the company encourage governments to be specific, transparent, and consistent in their laws, regulations, restrictions, and demands that impact freedom of

expression and privacy? Please incorporate specific examples where helpful. (100 words) [IG 3.1(a)]

4.3. How does the company proactively engage with governments to encourage laws, regulations, restrictions, and demands that are consistent with international laws and standards. (100 words) [IG 3.1(b)]

4.4. Does the company have appropriate policies and procedures in place to ensure that, in appropriate circumstances:

a) it seeks clarification or modification of government restrictions or demands that appear inconsistent with domestic or international law? [Yes/No]

b) it seeks assistance from relevant government authorities, international human rights bodies, or non-governmental organizations when faced with such demands? [Yes/No]

c) it challenges such demands in domestic court? [Yes/No] [IGs 3.3a, 3.3b, 3.3c]

4.5. What measures does the company take to minimize and mitigate the risks associated with the collection, storage, and retention of personal information in the jurisdictions where it operates? (100 words) [IG 3.4]

5. TRANSPARENCY & ENGAGEMENT

5.1. How does the company communicate to its shareholders and stakeholders its general approach to addressing its human rights impacts in relation to freedom of expression and privacy? (100 words) [IG 5.4]

5.2. How does the company communicate to its employees its commitment to the GNI Principles, and its policies to implement the GNI Principles? (50 words) [IG 2.13[h]]

5.3. How does the company disclose to its users:

a) What personal information the company collects? [IG 3.5(d)]

b) The generally applicable laws and policies which require the company to restrict content or communications or provide personal information to government authorities? [IG 3.5(a)]

c) The company's policies and procedures for responding to government restrictions and demands? (200 words) [IG 3.5(b)]

5.4. How and when does the company notify its users that content has been removed or blocked pursuant to a government request, or disclosed to a government agency? (150 words) [IG 3.4(c)]

5.5. Is there a company grievance mechanism available for users? If yes, please describe. (100 words) [IG 2.13 f]

5.6. Please describe how the company encourages governments and international institutions to adopt policies, practices, and actions that are consistent with and promote the GNI Principles.

- a) Engaged with government officials on reform of laws policies and practices that infringe on freedom of expression and privacy; [IG 4.2(a)]
- b) Engaged in discussions with home governments to promote the GNI Principles [IG 4.2(b)]
- c) Encouraged direct government-to-government contacts [IG 4.2(c)]
- d) Encouraged governments and international organizations to call attention to infringements on the rights to free expression and privacy (200 words) [IG 4.2(d)]

6. FOLLOW UP & IMPROVEMENT

- 6.1. Please state your views on the company's main strengths and successes in implementing the GNI Principles, including any particularly creative or noteworthy approaches to addressing human rights challenges that might serve as examples for other ICT companies to follow. (no limit)
 - 6.2. Please discuss any concerns you have identified with the company's implementation—especially gaps in creating or implementing relevant policies, procedures, and processes. (no limit)
 - 6.3. Please provide any specific recommendations you may have for the company to improve as identified during the assessment process. (no limit)
 - 6.4. Please evaluate whether and how the company has implemented the assessor and Board recommendations that were made in the previous assessment process. Please explain whether company has implemented a recommendation, is in the process of implementing it, or has decided not to implement the recommendation as suggested, but has chosen to address the specific issue in another way. (no limit—for subsequent independent assessments only)
 - 6.5. Please provide any specific recommendations you may have to the GNI on how it may improve its independent assessment process. (no limit)
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