

# APPENDIX IV:

## MAPPING THE GNI PRINCIPLES TO IMPLEMENTATION GUIDELINES

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### CATEGORIES

**2. FREEDOM OF EXPRESSION**

**3. PRIVACY**

**4. RESPONSIBLE COMPANY DECISION MAKING**

**5. MULTI-STAKEHOLDER COLLABORATION**

**6. GOVERNANCE, ACCOUNTABILITY AND TRANSPARENCY**

[< BACK TO CATEGORY OVERVIEW](#)**CATEGORY 2. FREEDOM OF EXPRESSION****2.1****GNI PRINCIPLE DESCRIPTION<sup>1</sup>**

**2.1** Participating companies will respect and protect the freedom of expression of their users by seeking to avoid or minimize 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.

**MATCHING IG ITEMS**

**2.4:** Consistent with the UN Guiding Principles on Business and Human Rights, and considering international human rights standards, participating companies will carry out human rights due diligence to identify, prevent, evaluate, mitigate and account for risks to the freedom of expression and privacy rights that are implicated by the company's products, services, activities and operations.<sup>2</sup>

**3.2:** When required to restrict communications, or remove content, or to provide personal information to government authorities, participating companies will:

- a.** Require that governments follow established domestic legal processes when they are seeking to (1) restrict freedom of expression or (2) access personal information.
- b.** Request clear written communications from the government that explain the legal basis for government restrictions to freedom of expression and government demands for personal information, including the name of the requesting government entity and the name, title and signature of the authorized official.
- c.** Keep - where the law permits verbal demands and in emergency situations, when communications will be oral rather than written -, records of these demands.
- d.** Interpret government restrictions and demands so as to minimize the negative effect on freedom of expression.
- e.** Narrowly interpret the governmental authority's jurisdiction so as to minimize the negative effect on freedom of expression.

**3.3:** When faced with a government restriction or demand that appears overbroad, unlawful, or otherwise inconsistent with domestic laws or procedures or international human rights laws and standards on freedom of expression or privacy, participating companies will in appropriate cases and circumstances:

- a.** Seek clarification or modification from authorized officials of such requests.
- b.** Seek the assistance, as needed, of relevant government authorities, international human rights bodies or non-governmental organizations, and
- c.** Challenge the government in domestic courts.

1. Internal numbering system created for Principles and sub-Principles.

2. This IG goes on to specify: "The process includes assessing actual and potential human rights impacts on individuals, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed as set forth in this section 2 of the Implementation Guidelines. In assessing actual and potential human rights impacts, companies should draw on a range of sources, including voices from inside relevant countries, human rights groups, government bodies, and international organizations. Companies should also evaluate whether relevant local laws and practices are consistent with rule of law requirements and international and regional human rights norms."

**< BACK TO CATEGORY OVERVIEW****2.2****GNI PRINCIPLE DESCRIPTION<sup>1</sup>**

**2.2** Participating companies will respect and protect the freedom of expression rights of their users when 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.

**MATCHING IG ITEMS**

**2.4:** Consistent with the UN Guiding Principles on Business and Human Rights, and considering international human rights standards, participating companies will carry out human rights due diligence to identify, prevent, evaluate, mitigate and account for risks to the freedom of expression and privacy rights that are implicated by the company's products, services, activities and operations.

**3.1:** Participating companies will:

- a.** Adopt policies and procedures which set out how the company will assess and respond to government demands for restrictions to communications or access to content, or disclosure of personal information.
- b.** These policies and procedures will also address how the company will respond in instances when governments fail to provide a written directive or adhere to domestic legal procedure. They will also include a consideration of when to challenge such government restrictions and demands.

**3.5:** Participating companies will seek to operate in a transparent manner when required by government to restrict communications or access to content or provide personal information to governments. To achieve this, participating companies will:

- a.** Disclose to users in clear language the generally applicable laws and policies which require the participating company to remove or limit access to content or restrict communications or provide personal information to government authorities.
- b.** Disclose to users in a clear manner the company's policies and procedures for responding to government restrictions and demands to remove or limit access to content, restrict communications or provide personal data.
- c.** Give clear, prominent and timely notice to users when access to specific content has been removed or blocked by the participating company or when communications have been limited or stopped by the participating company due to government restrictions. Notice should include the reason for the action and state on whose authority the action was taken.
- d.** Disclose to users in clear language what personal information the participating company collects, and the participating company's policies and procedures for responding to government demands for personal information.
- e.** Assess on an ongoing basis measures to effectively support transparency with users, regarding the company's data collection, storage, and retention practices.

[< BACK TO CATEGORY OVERVIEW](#)**CATEGORY 3. PRIVACY****3.1****GNI PRINCIPLE DESCRIPTION<sup>1</sup>**

**3.1** Participating companies will employ protections with respect to personal information in all countries where they operate in order to protect the privacy rights of users.

**MATCHING IG ITEMS**

**2.4:** Consistent with the UN Guiding Principles on Business and Human Rights, and considering international human rights standards, participating companies will carry out human rights due diligence to identify, prevent, evaluate, mitigate and account for risks to the freedom of expression and privacy rights that are implicated by the company's products, services, activities and operations.

**3.1(c):** Participating companies will adopt policies and procedures which set out how the company will assess and respond to government demands for restrictions to communications or access to content, or disclosure of personal information.

**3.2:** When required to restrict communications, or remove content, or to provide personal information to government authorities, participating companies will:

- a.** Require that governments follow established domestic legal processes when they are seeking to (1) restrict freedom of expression or (2) access personal information.
- b.** Request clear written communications from the government that explain the legal basis for government restrictions to freedom of expression and government demands for personal information, including the name of the requesting government entity and the name, title and signature of the authorized official.
- c.** Keep – where the law permits verbal demands and in emergency situations, when communications will be oral rather than written – records of these demands.
- d.** Narrowly interpret and implement government demands that compromise privacy.
- e.** Narrowly interpret the governmental authority's jurisdiction to access personal information, such as limiting compliance to users within that country.

[< BACK TO CATEGORY OVERVIEW](#)**3.2****GNI PRINCIPLE DESCRIPTION<sup>1</sup>**

**3.2** Participating companies will respect and protect the privacy rights of users when confronted with government demands, laws or regulations that compromise privacy in a manner inconsistent with internationally recognized laws and standards.

**MATCHING IG ITEMS**

**2.4:** Consistent with the UN Guiding Principles on Business and Human Rights, and considering international human rights standards, participating companies will carry out human rights due diligence to identify, prevent, evaluate, mitigate and account for risks to the freedom of expression and privacy rights that are implicated by the company's products, services, activities and operations.

**3.1(d):** Participating companies [will adopt policies and procedures that] will also address how the company will respond in instances when governments fail to provide a written directive or adhere to domestic legal procedure. They will also include a consideration of when to challenge such government restrictions and demands.

**3.5:** Participating companies will seek to operate in a transparent manner when required by government to restrict communications or access to content or provide personal information to governments. To achieve this, participating companies will:

- a.** Disclose to users in clear language the generally applicable laws and policies which require the participating company to remove or limit access to content or restrict communications or provide personal information to government authorities.
- b.** Disclose to users in a clear manner the company's policies and procedures for responding to government restrictions and demands to remove or limit access to content, restrict communications or provide personal data.
- c.** Give clear, prominent and timely notice to users when access to specific content has been removed or blocked by the participating company or when communications have been limited or stopped by the participating company due to government restrictions. Notice should include the reason for the action and state on whose authority the action was taken.
- d.** Disclose to users in clear language what personal information the participating company collects, and the participating company's policies and procedures for responding to government demands for personal information.
- e.** Assess on an ongoing basis measures to effectively support transparency with users, regarding the company's data collection, storage, and retention practices.

[< BACK TO CATEGORY OVERVIEW](#)**CATEGORY 4: RESPONSIBLE COMPANY DECISION MAKING****4.1****GNI PRINCIPLE DESCRIPTION<sup>1</sup>**

**4.1** Participating companies will ensure that the company Board, senior officers and others responsible for key decisions that impact freedom of expression and privacy are fully informed of these Principles and how they may be best advanced.

**MATCHING IG ITEMS**

- 2.1:** The Board of Directors of a participating company is responsible for the strategic oversight of the company's human rights practices, including with respect to all company activities and operations affecting freedom of expression and privacy.
- 2.2:** The Board will receive and evaluate regular human rights reporting from management including on how the commitments laid out in the Principles are being implemented.
- 2.3:** The Board or Senior Management will:
- a.** Review freedom of expression and privacy risks related to the company's operations in a manner consistent with the company's overall approach to risk management.
  - b.** Carry out the company's implementation of the Principles in a manner consistent with the safety and liberty of company personnel, including both employees and other persons working for a participating company.
  - c.** Participate in appropriate freedom of expression and privacy risk training.
  - d.** Establish clear instructions for when and how issues or problems affecting freedom of expression and privacy must be escalated to higher levels of the company.
- 2.4:** Consistent with the UN Guiding Principles on Business and Human Rights, and considering international human rights standards, participating companies will carry out human rights due diligence to identify, prevent, evaluate, mitigate and account for risks to the freedom of expression and privacy rights that are implicated by the company's products, services, activities and operations.
- 2.12:** Participating companies will develop appropriate internal structures and take steps throughout their business operations to ensure that the commitments laid out in the Principles are incorporated into company analysis, decision making and operations.
- 2.13:** Over time this will include:
- Structure**
- a.** The creation of a senior-directed, human rights function, including the active participation of senior management, to design, coordinate and lead the implementation of the Principles.
  - b.** Ensuring that the procedures related to government demands implicating users' freedom of expression or privacy rights are overseen and signed-off by an appropriate and sufficiently senior member of the company's management and are appropriately documented.

**< BACK TO CATEGORY OVERVIEW****4.1****Procedures**

- a.** Establishing written procedures that ensure consistent implementation of policies that protect freedom of expression and privacy and documenting implementation of these policies. Documentation of policies and their implementation should be sufficiently detailed as to enable later internal and external review.
- b.** Incorporating freedom of expression and privacy review into assurance processes to ensure implementation of the procedures laid out in the Principles.
- c.** Maintaining a record of requests and demands for government restrictions to freedom of expression and access to personal information.

**Remedy/Grievance**

- a.** Establishing grievance mechanisms for users to make it possible for grievances about issues related to freedom of expression and privacy to be communicated to the company for consideration and, if appropriate, direct remediation. If a participating company determines its business practices are inconsistent with the Principles or have caused or contributed to adverse impacts, it will establish by itself or in cooperation with other actors, a means of remediation, including meaningful steps to prevent recurrence of such inconsistency or impact.
- b.** Providing whistleblowing mechanisms or other secure channels through which employees can confidentially or anonymously report violations of the Principles without fear of associated punishment or retribution.

**Employees**

- a.** Communicating the Principles and / or company policies that implement the Principles to all relevant employees through internal channels, such as through the company intranet, and integrate the company's commitment to the Principles through employee training or orientation programs.
- b.** Providing more detailed training for those corporate employees who are most likely to face freedom of expression and privacy challenges, based on human rights impact assessments. This may include staff in audit, compliance, legal, marketing, sales and business development areas. Where appropriate and feasible, the orientation and training programs should also be provided to employees of relevant related parties such as partners, suppliers and distributors.
- c.** Developing escalation procedures for employees seeking guidance in implementing the Principles.

**< BACK TO CATEGORY OVERVIEW****4.2****GNI PRINCIPLE DESCRIPTION<sup>1</sup>**

**4.2** Participating companies will identify circumstances where freedom of expression and privacy may be jeopardized or advanced and integrate these Principles into their decision making in these circumstances.

**MATCHING IG ITEMS**

**2.2:** The Board will receive and evaluate regular human rights reporting from management including on how the commitments laid out in the Principles are being implemented.

**2.3:** The Board or Senior Management will:

- a.** Review freedom of expression and privacy risks related to the company's operations in a manner consistent with the company's overall approach to risk management.
- b.** Carry out the company's implementation of the Principles in a manner consistent with the safety and liberty of company personnel, including both employees and other persons working for a participating company.
- c.** Establish clear instructions for when and how issues or problems affecting freedom of expression and privacy must be escalated to higher levels of the company.

**2.4:** Consistent with the UN Guiding Principles on Business and Human Rights, and considering international human rights standards, participating companies will carry out human rights due diligence to identify, prevent, evaluate, mitigate and account for risks to the freedom of expression and privacy rights that are implicated by the company's products, services, activities and operations.

**2.5:** Human rights impact assessments and other due diligence processes should be ongoing, recognizing that the nature of the issues concerning freedom of expression and privacy may change over time as the company's operations and operating context evolve and as the human rights landscape changes in any particular jurisdiction.

**2.6:** If human rights due diligence as described in Section 2.4 above identifies circumstances when freedom of expression and privacy may be jeopardized or advanced, participating companies will employ human rights impact assessments and develop effective risk mitigation strategies as appropriate. The following are situations where human rights due diligence has revealed the need for human rights impact assessments:

- a.** Reviewing and revising internal procedures for responding to government demands for user data or content restrictions in existing markets.
- b.** Entering new markets, particularly those where freedom of expression and privacy are not well protected.
- c.** Leaving markets, particularly those where freedom of expression and privacy are not well protected.
- d.** Reviewing the policies, procedures and activities of potential partners, investments suppliers and other relevant related parties for protecting freedom of expression and privacy as part of its corporate due diligence process.
- e.** Designing and introducing new technologies, products and services and their use.
- f.** Acquiring other companies or forming operational partnerships (e.g., joint ventures).

**< BACK TO CATEGORY OVERVIEW****4.2**

**2.7:** The human rights impact assessments should be initiated early enough to inform the development of a new activity or relationship. They will be undertaken to different levels of detail and scope depending on the purpose of the impact assessment. However, participating companies should:

- a.** Prioritize the use of human rights impact assessments for markets, business partners and other relationships, technologies (products / services) where the risk of adverse human rights impacts to freedom of expression and privacy is most salient or where the potential to advance human rights is at its greatest.
- b.** Draw upon inputs from a variety of sources, including, for example, voices from inside the geography in question, human rights groups, government bodies, international organizations and materials developed as part of this multi-stakeholder process.
- c.** Review the human rights risks and effects of not having operational control before entering or exiting joint ventures.
- d.** Include a review of relevant domestic laws, legal systems and practices in each market and evaluate their conformity to rule of law requirements and international and regional human rights norms especially articles 19 and 12 of the Universal Declaration of Human Rights and articles 19 and 17 of the International Covenant on Civil and Political Rights.
- e.** Utilize learning from real-life cases and precedents.
- f.** Update human rights impact assessments over time, such as when there are material changes to laws, regulations, markets, products, technologies, or services.
- g.** Take appropriate action to avoid, mitigate or in other ways address potential negative human rights impacts on an ongoing basis. For example, in order to prevent and mitigate adverse human rights impacts, participating companies will incorporate the findings from human rights impact assessments into other company processes and practices for risk review and risk management, including those carried out in connection with a merger or acquisition.
- h.** Develop internal processes and mechanisms for using the results of impact assessments to inform company policy and practice.
- i.** Demonstrate to external stakeholders consulted in the course of risk assessments that the findings are considered by senior management.

**2.12:** Participating companies will develop appropriate internal structures and take steps throughout their business operations to ensure that the commitments laid out in the Principles are incorporated into company analysis, decision making and operations.

**< BACK TO CATEGORY OVERVIEW****4.2**

**2.13:** Over time this will include:

**Structure**

- a.** The creation of a senior-directed, human rights function, including the active participation of senior management, to design, coordinate and lead the implementation of the Principles.
- b.** Ensuring that the procedures related to government demands implicating users' freedom of expression or privacy rights are overseen and signed-off by an appropriate and sufficiently senior member of the company's management and are appropriately documented.

**Procedures**

- a.** Establishing written procedures that ensure consistent implementation of policies that protect freedom of expression and privacy and documenting implementation of these policies. Documentation of policies and their implementation should be sufficiently detailed as to enable later internal and external review.
- b.** Incorporating freedom of expression and privacy review into assurance processes to ensure implementation of the procedures laid out in the Principles.
- c.** Maintaining a record of requests and demands for government restrictions to freedom of expression and access to personal information.

**Remedy/Grievance**

- a.** Establishing grievance mechanisms for users to make it possible for grievances about issues related to freedom of expression and privacy to be communicated to the company for consideration and, if appropriate, direct remediation. If a participating company determines its business practices are inconsistent with the Principles or have caused or contributed to adverse impacts, it will establish by itself or in cooperation with other actors, a means of remediation, including meaningful steps to prevent recurrence of such inconsistency or impact.
- b.** Providing whistleblowing mechanisms or other secure channels through which employees can confidentially or anonymously report violations of the Principles without fear of associated punishment or retribution.

**Employees**

- a.** Communicating the Principles and / or company policies that implement the Principles to all relevant employees through internal channels, such as through the company intranet, and integrate the company's commitment to the Principles through employee training or orientation programs.

**< BACK TO CATEGORY OVERVIEW****4.2**

- b.** Providing more detailed training for those corporate employees who are most likely to face freedom of expression and privacy challenges, based on human rights impact assessments. This may include staff in audit, compliance, legal, marketing, sales and business development areas. Where appropriate and feasible, the orientation and training programs should also be provided to employees of relevant related parties such as partners, suppliers, and distributors.
  - c.** Developing escalation procedures for employees seeking guidance in implementing the Principles.
- 3.4:** Participating companies will assess the human rights risks associated with the collection, storage, and retention of personal information in the jurisdictions where they operate and develop appropriate mitigation strategies to address these risks.

**4.3****GNI PRINCIPLE DESCRIPTION<sup>1</sup>**

**4.3** Participating companies will implement these Principles wherever they have operational control. When they do not have operational control, participating companies will use best efforts to ensure that business partners, investments, suppliers, distributors and other relevant related parties follow these Principles.<sup>3</sup>

**MATCHING IG ITEMS**

- 2.4:** Consistent with the UN Guiding Principles on Business and Human Rights, and considering international human rights standards, participating companies will carry out human rights due diligence to identify, prevent, evaluate, mitigate, and account for risks to the freedom of expression and privacy rights that are implicated by the company's products, services, activities and operations.
- 2.5:** Human rights impact assessments and other due diligence processes should be ongoing, recognizing that the nature of the issues concerning freedom of expression and privacy may change over time as the company's operations and operating context evolve and as the human rights landscape changes in any particular jurisdiction.
- 2.6:** If human rights due diligence as described in Section 2.4 above identifies circumstances when freedom of expression and privacy may be jeopardized or advanced, participating companies will employ human rights impact assessments and develop effective risk mitigation strategies as appropriate. The following are situations where human rights due diligence has revealed the need for human rights impact assessments:
- a.** Reviewing the policies, procedures and activities of potential partners, investments suppliers and other relevant related parties for protecting freedom of expression and privacy as part of its corporate due diligence process.
  - b.** Acquiring other companies or forming operational partnerships (e.g., joint ventures).

3. Footnote 10 of the Principles defines operational control as "the power, directly or indirectly, to direct or cause the direction of the management and policies of the entity. This may be by contract, ownership of voting stock or representation on the Board of Directors or similar governing body."

**< BACK TO CATEGORY OVERVIEW****4.3**

**2.7:** The human rights impact assessments should be initiated early enough to inform the development of a new activity or relationship. They will be undertaken to different levels of detail and scope depending on the purpose of the impact assessment. However, participating companies should:

- a.** Prioritize the use of human rights impact assessments for markets, business partners and other relationships, technologies (products / services) where the risk of adverse human rights impacts to freedom of expression and privacy is most salient or where the potential to advance human rights is at its greatest.
- b.** Review the human rights risks and effects of not having operational control before entering or exiting joint ventures.

**2.8:** Participating companies will follow these Principles and Implementation Guidelines in all circumstances when they have operational control.

**2.9:** When the participating company does not have operational control, it will use Best Efforts to ensure that business partners, investments, suppliers, distributors and other relevant related parties follow the Principles.

**2.10:** With regards to third party relationships, participating companies should focus their efforts on those business partners, investments, suppliers, distributors and other relevant related parties that are involved in the participating company's business in a manner that materially affects the company's role in respecting and protecting freedom of expression and privacy. In doing so, the participating company should prioritize efforts on circumstances where the risks to freedom of expression and privacy are most salient.

**2.11:** Where participating companies may initially lack influence to prevent or mitigate adverse impact of business relationships, they should assess how they could increase their ability to address such adverse impacts over time.

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**CATEGORY 5. MULTI-STAKEHOLDER COLLABORATION**

<p><b>5.1</b></p>	<p><b>GNI PRINCIPLE DESCRIPTION<sup>1</sup></b></p> <p><b>5.1:</b> Participants will take a collaborative approach to problem solving and explore new ways in which the collective learning from multiple stakeholders can be used to advance freedom of expression and privacy.</p>	<p><b>MATCHING IG ITEMS</b></p> <p><b>2.7:</b> The human rights impact assessments should be initiated early enough to inform the development of a new activity or relationship. They will be undertaken to different levels of detail and scope depending on the purpose of the impact assessment. However, participating companies should:</p> <ul style="list-style-type: none"> <li><b>a.</b> Draw upon inputs from a variety of sources, including, for example, voices from inside the geography in question, human rights groups, government bodies, international organizations and materials developed as part of this multistakeholder process.</li> <li><b>b.</b> Demonstrate to external stakeholders consulted in the course of risk assessments that the findings are considered by senior management.</li> </ul>
<p><b>5.2</b></p>	<p><b>GNI PRINCIPLE DESCRIPTION<sup>1</sup></b></p> <p><b>5.2:</b> Individually and collectively, participants will engage governments and international institutions to promote the rule of law and the adoption of laws, policies and practices that protect, respect and fulfill freedom of expression and privacy.</p>	<p><b>MATCHING IG ITEMS</b></p> <p><b>3.1:</b> Participating companies will:</p> <ul style="list-style-type: none"> <li><b>a.</b> Encourage governments to be specific, transparent and consistent in the demands, laws and regulations (“government restrictions and demands”) that impact freedom of expression or the right to privacy, including e.g., restrictions of access to content or restrictions of communications, or demands that are issued regarding privacy in communications.</li> <li><b>b.</b> Encourage government restrictions and demands that are consistent with international laws and standards on freedom of expression and privacy. This includes engaging proactively with governments to reach a shared understanding of how government restrictions can be applied in a manner consistent with the Principles.</li> </ul>

[< BACK TO CATEGORY OVERVIEW](#)**CATEGORY 6. GOVERNANCE, ACCOUNTABILITY AND TRANSPARENCY**

<b>6.1</b>	<b>GNI PRINCIPLE DESCRIPTION<sup>1</sup></b>  <b>6.1:</b> Participants will adhere to a collectively determined governance structure that defines the roles and responsibilities of participants, ensures accountability and promotes the advancement of these Principles.	<b>MATCHING IG ITEMS</b>  <b>2.1:</b> The Board of Directors of a participating company is responsible for the strategic oversight of the company's human rights practices, including with respect to all company activities and operations affecting freedom of expression and privacy.
<b>6.2</b>	<b>GNI PRINCIPLE DESCRIPTION<sup>1</sup></b>  <b>6.2:</b> Participants will be held accountable through a system of (a) transparency with the public and (b) independent assessment and evaluation of the implementation of these Principles.	<b>MATCHING IG ITEMS</b>  <b>3.5:</b> Participating companies will seek to operate in a transparent manner when required by government to restrict communications or access to content or provide personal information to governments. To achieve this, participating companies will: <ul style="list-style-type: none"> <li><b>a.</b> Disclose to users in clear language the generally applicable laws and policies which require the participating company to remove or limit access to content or restrict communications or provide personal information to government authorities.</li> <li><b>b.</b> Disclose to users in a clear manner the company's policies and procedures for responding to government restrictions and demands to remove or limit access to content, restrict communications or provide personal data.</li> <li><b>c.</b> Give clear, prominent and timely notice to users when access to specific content has been removed or blocked by the participating company or when communications have been limited or stopped by the participating company due to government restrictions. Notice should include the reason for the action and state on whose authority the action was taken.</li> <li><b>d.</b> Disclose to users in clear language what personal information the participating company collects, and the participating company's policies and procedures for responding to government demands for personal information.</li> <li><b>e.</b> Assess on an ongoing basis measures to effectively support transparency with users, regarding the company's data collection, storage, and retention practices.</li> </ul>