Ranking Digital Rights: Pushing ICT Companies to Respect Users' Privacy

Priya Kumar

Ranking Digital Rights

Washington, DC 20005, USA

kumar@rankingdigitalrights.org

Abstract

It is well understood that technology companies collect and use data about people in ways that pose risks to privacy. But until now, little research has compared the extent to which global companies commit to respect users' rights, including privacy. The Ranking Digital Rights Corporate Accountability Index compares the public commitments and disclosures of 16 of the world's largest Internet and telecommunications companies on criteria related to freedom of expression and privacy. This paper describes the index's findings on corporate handling of user information. It also highlights how the index, whose criteria are grounded in international human rights standards and Privacy by Design principles, can push companies to better respect the privacy of their users.

Author Keywords

Privacy by Design; Transparency; ICT companies; Corporate accountability.

ACM Classification Keywords

K.4.1. Public Policy Issues: Privacy; H.5.2: User Interfaces: User-centered design

Introduction

Immense amounts of personal information flow through networks that are owned and operated by private-sector companies [3], yet until now no comprehensive, comparative, and globally applicable framework examines the extent to which companies respect users' privacy. The Ranking Digital Rights (RDR) Corporate Accountability Index, which launched in 2015, fills a needed gap by examining a group of companies[1] in the information and communications technology (ICT) sector on their disclosed policies and practices related to freedom of expression and privacy [6]. The index covers three categories: commitment to human rights, freedom of expression, and privacy. Its 14 privacy-related indicators focus on corporate disclosure across several areas: privacy policies, processes related to handling user data, practices related to third-party requests for user data, and security practices [5].

The index methodology, which is publicly available, is a valuable tool to hold companies accountable to privacy criteria that are grounded in international human rights standards and that complement the Privacy by Design

---

1 A list of the 16 companies ranked in the 2015 Index is available at https://rankingdigitalrights.org/index2015/.

(PbD) principles [5]. It provides companies with a roadmap toward respecting users' privacy and incentivizes them to disclose their policies and practices to the public, aligning with the sixth PbD principle on visibility and transparency [4,1].

RDR intends for the index to be an annual ranking that spurs companies to improve their policies and practices related to human rights, including privacy. This paper discusses the index's findings on corporate handling of user information, highlights obstacles to improved disclosure of such practices, and describes the role that comparative research such as RDR's can play in encouraging corporate adoption of PbD principles.

Development of RDR's Index

The Corporate Accountability Index is the result of nearly three years of consultation and research.[2] After convening with civil society, academics, and investors about what the index should evaluate, a global research team tested a set of draft indicators in case studies on five countries and three multinational companies. The project team then developed and iterated on three versions of the methodology, seeking public feedback on each version. A pilot conducted in 2014-2015 tested the methodology on 12 companies and helped sharpen the indicators and research process. The team finalized the methodology and selected the companies to be ranked based on factors including: headquarters location, countries in which the companies operate, size of the companies' user/subscriber base, market capitalization, and market share. Pending additional

---

[2] More information and relevant project documents are available at https://rankingdigitalrights.org/methodology-development/.

resources, the team intends to increase the number of companies evaluated in future iterations of the index.

What Companies Do with User Information

All companies in the index, except the French telecommunications firm Orange, provide a publicly available privacy policy. Most companies use design features to present these policies in a way that makes it easy for users to understand them (e.g., use of section headers, glossaries, bulleted lists, white space, or readable font size). However, a comparative analysis of the content of these privacy policies revealed incoherence in their explanations of how companies handle user information.

Ranking Digital Rights developed a definition of "user information," (see sidebar) based on Schwartz and Solove's approach to personal information [7]. RDR's definition includes information that users actively submit (e.g., name, text of messages) as well as information that the companies automatically collect (e.g., IP address, GPS coordinates). This definition is generally broader than the definitions included in company privacy policies. As a result, it is particularly difficult to obtain a complete picture of how companies handle user information.

All companies in the index provide at least some disclosure on what user information they collect and share with third parties, though disclosure about sharing of information is markedly worse. This is due in part to the use of terms such as "personal data," "personal information," "sensitive personal information," "private personal information," or "anonymous information."

For example, Google's privacy policy states it collects information that users provide (including personal information), device information, log information, location information, unique application information, local storage data, and information from cookies and similar technology, all of which RDR defines as user information. [3] Google defines personal information as, "information which you [the user] provide to [Google] which personally identifies you, such as your name, email address or billing information, or other data which can be reasonably linked to such information by Google, such as information we associate with your Google account".[4]

The privacy policy's section on information that Google shares refers only to how the company shares "personal information," leaving users wondering what sharing practices govern the six other types of data Google collects. In a separate document, the company explains its advertising practices.[5] However, the end result of reviewing this disclosure is bewilderment rather than clarity. This is not unique to Google. No company in the index disclosed information in a way that enabled users to clearly understand the life cycle of the information companies held on them.

For example, if a company were to create a dossier on a particular user, (or a government were to create a dossier using information it obtained from a company), what would it include? To know the answer, companies would need to clearly disclose what specific user information they collect, how they collect and use it, whether users have any control over that collection and use, with whom and under what circumstances companies share that information, and how long companies keep that information. RDR's methodology includes indicators on all of these questions.

Challenges to Improved Company Disclosure

The lack of clarity in company disclosure about privacy practices presents a challenge to public understanding of how or to what extent companies have implemented Privacy by Design principles. This echoes the findings of the Computing Community Consortium's workshop on privacy enabling design, which highlighted the need for greater transparency on how companies collect and manage information about their users [2]. Without such transparency, users cannot make informed choices about which services to use, and they may lose trust in companies.

Companies also lack incentives to clarify their privacy practices. Users value the convenience of personalization and cross-device access to services, and they may not understand the risks of such practices as web tracking. Companies may fear that providing a clear, complete picture of their practices regarding user information would spook people away from their services [2].

Role of Comparative Research in Encouraging Adoption of PbD Principles

Comparative research, such RDR's index, offers a framework to determine where companies have implemented PbD principles and where potential

---

[3] See https://www.google.com/policies/privacy/.

[4] See https://www.google.com/policies/privacy/key-terms/#toc-terms-personal-info.

[5] See https://www.google.com/policies/technologies/ads/.

obstacles lie. It also serves as a starting point for conversations within companies, for example between designers, engineers, and corporate management, as well as between companies and other stakeholders, including civil society organizations, researchers, investors, policymakers, and end users about how companies can better respect privacy.

Stakeholder engagement has been an integral part of RDR's approach. Nine of the 16 companies in the 2015 index provided written or verbal feedback on their results, demonstrating strong corporate interest in addressing concerns about users' rights, including privacy. Much of RDR's engagement has focused on individuals, organizations, and researchers involved in digital rights, business and human rights, and public policy. Greater engagement with the design community could support implementation of PbD principles. The index provides data on trends related to the ICT industry's respect for privacy and spotlights practices that contribute to or detract from respecting privacy.

Conclusion

The Ranking Digital Rights 2015 Corporate Accountability Index is the first comprehensive, comparative, and globally applicable framework that examines how companies in the ICT sector respect freedom of expression and privacy. The index found that while disclosure of privacy policies is standard practice, the content of such policies does not offer users a clear picture of how companies handle the significant amounts of user information they collect. The index provides a concrete roadmap for companies to improve their respect for privacy.

References

1. Ann Cavoukian. 2009. Privacy by Design: The 7 Foundational Principles. Retrieved January 8, 2016 from https://www.ipc.on.ca/images/Resources/7foundationalprinciples.pdf

2. Computing Community Consortium. Privacy by Design – Privacy Enabling Design Workshop 2 Report. Retrieved January 8, 2016 from http://cra.org/ccc/wp-content/uploads/sites/2/2015/05/PbD2-Report-v5.pdf

3. Rebecca MacKinnon. 2012. Consent of the Networked: The Worldwide Struggle for Internet Freedom. Basic Books, New York, NY.

4. Nathalie Maréchal. 2015. Ranking Digital Rights: Human Rights, the Internet and the Fifth Estate. *International Journal of Communication* 9, 10: 3440-3449. http://ijoc.org/index.php/ijoc/article/view/3330/1494

5. Ranking Digital Rights. 2015. Corporate Accountability Index: 2015 Research Indicators. Retrieved January 8, 2016 from https://rankingdigitalrights.org/index2015/assets/static/download/RDRindex2015indicators.pdf

6. Ranking Digital Rights. 2015. Corporate Accountability Index. Retrieved January 8, 2016 from https://rankingdigitalrights.org/index2015/

7. Paul M. Schwartz and Daniel J. Solove. 2013. Reconciling Personal Information in the United States and European Union. Retrieved January 8, 2016 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2271442