

EVENT NOTE

By Anulekha Nandi

The Business of Human Rights: Measuring Transparency in the ICT Sector

Thursday, 19 November 2015

As the debates surrounding privacy, state surveillance, and data protection rage on in the ‘post-Snowden era’, the 2015 [Corporate Accountability Index \(CAI\)](#) provides a ready reference to those advocating for better disclosure, greater corporate accountability for data usage, and more clearly navigable pathways for the reiteration of human rights within the digital world. A recent panel organised by the [LSE Media Policy Project](#), [The Business of Human Rights: Measuring Transparency in the ICT Sector](#), discussed the short-term and long-term impacts of the 2015 CAI, reflecting upon both its strengths and weaknesses.

[Rebecca MacKinnon](#), Author of ‘Consent of the Networked’ and Director of [Ranking Digital Rights](#), the non-profit research initiative responsible for the 2015 Corporate Accountability Index, presented the index to a panel of respondents comprising Owen Larter from Microsoft, Lucy Purdon from the Institute for Human Rights and Business, Gabrielle Guillemin from ARTICLE 19, Damiano de Felice from the Access to Medicine Foundation, and Brittany Smith from Google UK. The event was chaired by [Seeta Peña Gangadharan](#), Assistant Professor in the Department of Media and Communications at LSE.

Rebecca introduced the CAI by questioning the extent to which users can meaningfully hold ICT companies to account. The CAI, which measures a total of 16 companies (8 of which are internet companies, and 8 of which are telecommunications companies), attempts to make sense of the overall aggregate behaviour of ICT companies. It analyses the policies, practices and political contexts in which companies do business along three dimensions: commitment; freedom of expression; and privacy.

Rebecca argued that the ranking produced no clear winners. Not a single company scored above 65%, with the majority falling below 30%. And while some companies received high scores overall, they lagged behind on individual parameters. No company in the index provides users with sufficiently clear, comprehensive, and accessible information about the practices they have in place that affect freedom of expression and privacy.

After Rebecca’s presentation, panellists reflected on challenges—both *of* and *to* the CAI. Damiano de Felice, who works outside the ICT sector, said that indexes can create consensus about the rights that companies need to uphold, while Brittany Smith hailed the index as tool that can be used to foster internal advocacy and debate. Owen Larter drew attention to Microsoft’s Transparency Hub which discloses Law Enforcement Requests, US National Security Orders and Content Removal Requests.

“Knowing and showing” that companies respect human rights, according to Lucy Purdon, is what helps to instrumentalise available policy to conduct impact assessment and do further due diligence. Gabrielle Guillemin raised the question of grievance mechanisms that users can resort to in the event of unauthorised use or misuse of their information, especially in the context of personal information amassed on social media platforms.

To open discussion with audience members, Dr. Gangadharan asked whether the rankings are meant only for the privileged and exclude low literacy users from understanding the implications or engaging with the CAI. Rebecca responded by calling for a division of labour in holding ICT companies to account: the rankings were meant to act as starting point that can enable experts to assess the sufficiency of company disclosures. She suggested other researchers could use the CAI to now explore the finer details of company practices and user responses.

The event, which reached room capacity of 55 people, drew lively questions from the audience. One audience member criticized complexity of the ‘Terms and Conditions’ and questioned the ability of even educated users to comprehend them. Another asked whether transparency can be translated to user power and wondered about company handling of user requests above and beyond reported figures. The event concluded on a note of urgency over the need to provide companies with incentives in order to improve compliance with company policies and to strengthen advocacy efforts that help translate transparency efforts into meaningful opportunities for users.