

Global Network Initiative

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



OUR IMPACT

We are setting a standard for freedom of expression and privacy in the ICT sector:

- GNI's Principles and Guidelines are reflected in international guidance and standards, from the United Nations report on the right to privacy in the digital age, to the Ranking Digital Rights project.
- We are working together with nine leading telecommunications companies to find a common approach to human rights challenges across the ICT sector.

Companies are taking steps on behalf of the human rights of more than two billion Internet users:

- Conducting human rights impact assessments when entering markets or introducing products or services.
- Narrowing the impact of overbroad government requests for user data or content removal, and in some cases challenging them in court.
- Communicating transparently with users about free expression and privacy.

Our participants are advocating for laws, policies, and practices that protect rights, and getting results:

- Securing commitments on surveillance transparency from the 24 governments in the Freedom Online Coalition.
- Supporting the establishment of a UN Special Rapporteur for the right to Privacy.
- Quantifying the economic benefits of online platforms in India – evidence cited before the Supreme Court in a landmark ruling for free expression.
- Producing original research in support of mutual legal assistance reform.

THE BENEFITS OF MEMBERSHIP

- Work through complex issues in a safe space, gaining insight from other companies, civil society, investors, and academic participants.
- Build global public trust in your brand by demonstrating that you care about users' rights around the world.
- Manage company risk exposure and improve responsible decision-making through the GNI Principles, guidelines, and accountability process.
- Engage in public policy on a pressing global challenge with a unique and diverse coalition of experts.
- Build a global standard for corporate responsibility in the ICT sector.

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MESSAGE FROM INDEPENDENT CHAIR MARK STEPHENS



Mark Stephens, GNI Independent Chair

The diverse threats to freedom of expression and privacy rights online that emerged during the past year demand an equally diverse and dedicated network to defend those rights. From ongoing revelations of mass surveillance by governments to calls to combat terrorist content on social media, the risks at the intersection of security and human rights online present complex challenges for policymakers, company executives, and civil society.

GNI's multi-stakeholder model is our greatest asset for dealing with this complexity and delivering on behalf of Internet users around the world. Each voice at the GNI table brought a valuable perspective to our discussions of the competing rights and imperatives implicated by these threats in 2014. Human rights and press freedom organizations provide on-the-ground perspectives on contemporary threats to free expression and privacy. ICT companies, who uphold the GNI Principles by implementing them within their organizations, contribute to and benefit from the frank exchange of ideas within the network. Investors recognize that censorship and surveillance threaten the long-term viability of the ICT sector as well as to the rights of users, and help to grow the number of companies committed to GNI's Principles. And academics and academic organizations bring deeper analysis and understanding of the legal, technical, social, and political issues that GNI seeks to address. By collaborating, we develop unique research, robust policy prescriptions, and provide a means to increase accountability for ICT companies on the frontlines of new battles for rights in the digital age.

Through our collaboration with the companies in the Telecommunications Industry Dialogue on Freedom of Expression and Privacy, we have enhanced our understanding of the particular challenges facing telecom companies, and we're confident that a common approach to human rights can benefit all companies across the ICT sector.

This collaborative approach will gain even greater traction with policymakers as we gather new members in the months and years to come. The human rights risks witnessed in 2014 show no signs of dissipating. It is through broad and transparent consultation and principled collective action that we are most likely to address those threats thoughtfully and effectively.

A handwritten signature in black ink, appearing to be 'Mark Stephens'.

Mark Stephens CBE
Independent Chair

SHARED LEARNING FROM SILICON VALLEY TO SWITZERLAND

During 2014, GNI placed a special emphasis on convening our participants and the wider network of stakeholders working on free expression and privacy rights to discuss how increasing transparency can help to protect these rights online.

In April, GNI organized parallel sessions at the Freedom Online conference in Tallinn, Estonia. GNI and the Center for Democracy & Technology co-organized a side session in Tallinn entitled “Surveillance Reforms: Toward Transparency and Accountability,” which explored efforts to increase transparency.

Together with the Telecommunications Industry Dialogue, we also hosted a session on “The Role of Human Rights Impact Assessments in Advancing Rights Online.”



Lisl Brunner - GNI-ID, Milka Pietikainen - Millicom, Mark Stephens - GNI

In June, with Google and CDT, we hosted a daylong Transparency Summit in Berlin, Germany, focused on both transparency around government access to user data as well as content removal. More than 60 people attended, including representatives from civil society and academic leaders from Estonia to England, data protection experts, and members of international organizations such as OSCE and the Council of Europe.

In September at the Internet Governance Forum in Istanbul, Turkey, GNI co-organized a panel discussion on “Transparency Reporting as a Tool for Internet Governance” with the Open Technology Institute at the New America Foundation.

And in November and December 2014, GNI continued its collaboration with the Telecommunications Industry Dialogue on Freedom of Expression and Privacy, holding twin joint Learning Forums in November and December 2014 exploring the theme of transparency and human rights in the digital age.



GNI-CDT Session at Freedom Online conference in Estonia. Nick Pickles – Big Brother Watch, Anja Kovacs – Internet Democracy Project. Chris Riley – Mozilla, Cynthia Wong – Human Rights Watch, Susan Morgan – GNI, Dirk Brengelmann – Ministry of Foreign Affairs, Germany

PROMOTING POLICIES THAT PROTECT FREE EXPRESSION AND PRIVACY

GNI provides a platform for collaboration between participating companies, civil society organizations, investors, and academics. In 2014 we accelerated our efforts to encourage governments to adopt policies and practices consistent with our Principles that protect freedom of expression and privacy rights for Internet users. The following case studies highlight our progress.

“Singlehandedly, Snowden has changed how people regard their phones, tablets, and laptops, and sparked a public debate about the protection of personal data. What his revelations have not done is bring about significant reforms.”

Surveillance Reform

GNI continued to be a prominent voice calling for communications surveillance reform during 2014.

“Singlehandedly, Snowden has changed how people regard their phones, tablets, and laptops, and sparked a public debate about the protection of personal data. What his revelations have not done is bring about significant reforms.”¹

GNI Board Chair Mark Stephens authored *Privacy Since Snowden* for Project Syndicate. The op-ed appeared in 29 publications in 27 countries worldwide, in 12 languages, and was seen more than a million times on social media platforms.

ICTs and security in the United Kingdom



“The UK plays an important leadership role in the promotion of Internet freedom, but the UK government response to mass surveillance revelations has risked that reputation and provided unintended justification for governments seeking to limit human rights online.”²

GNI warned that the UK response to mass surveillance revelations was providing worrisome precedent for autocratic governments, and urged reconsideration of the fast tracked passage of the Data Retention and Investigatory Powers Act (DRIPA) in July 2014. We submitted comments for the UK Government review of Communications and Interception Powers. When GCHQ Director Richard Hannigan accused social media networks of being the ‘command and control network for terrorists’ we responded:

“Putting human rights at the centre of the relationship between technology companies, society and governments would be a better way to begin a mature debate on privacy in the digital age than the flagrantly false allegation that social media companies are facilitating murder.”³

1 Mark Stephens, “Privacy Since Snowden,” *Project Syndicate*, June 18, 2014, available at <https://www.project-syndicate.org/commentary/mark-stephens-criticizes-the-response-to-the-revelations-by-edward-snowden-last-year>.

2 Mark Stephens, “The UK’s response to Snowden’s revelations lets Putin off the hook,” *The Guardian*, April 20, 2014, available at <http://www.theguardian.com/commentisfree/2014/apr/20/uk-response-snowden-putin-surveillance-gchq>

3 Mark Stephens, “Need to intrude must be demonstrated, not merely asserted,” *Financial Times*, November 5, 2014, available at <http://www.ft.com/intl/cms/s/0/041b49e6-638a-11e4-8a63-00144feabdc0.html?siteedition=intl#axzz316LnaUxc>.

Privacy and Transparency

GNI continued to press the governments in the Freedom Online Coalition (FOC) to lead by example by increasing transparency about the requests they make for electronic communications surveillance as well as content removal.



In April 2014 the Ministers of the Freedom Online Coalition adopted the Tallinn Agenda for Freedom Online, wherein they committed to:

“Call upon governments worldwide to promote transparency and independent, effective domestic oversight related to electronic surveillance, use of content take-down notices, limitations or restrictions on online content or user access and other similar measures, while committing ourselves to do the same.”

GNI joined the FOC Working Group on Privacy and Transparency, which took up these issues in Fall 2014. GNI and the Center for Democracy & Technology (CDT) developed a preliminary set of specific, actionable criteria for transparency, published in a blog post in November 2014 for wider consultation with governments, companies, civil society and other stakeholders.⁴



Data Beyond Borders: Mutual Legal Assistance in the Internet Era

Data Beyond Borders – Mutual Legal Assistance Reform

The Mutual Legal Assistance (MLA) regime—which consists of hundreds of bilateral and multilateral treaties that regulate government-to-government requests for user data—has struggled to keep up with the enormous number of requests for digital evidence arising from global Internet services.

With funding from the MacArthur Foundation, GNI engaged assistant professor Andrew K. Woods from the University of Kentucky to author a report that outlined key principles and specific reforms to drive a human rights-based approach to MLA reform for the twenty-first century. The report recommends that states work together to create a secure electronic system for managing MLA requests, increase staffing for MLA issues, and conduct thorough trainings at all levels of law enforcement to ensure that MLA requests are generated and processed as efficiently as possible and in a way that respects international human rights.

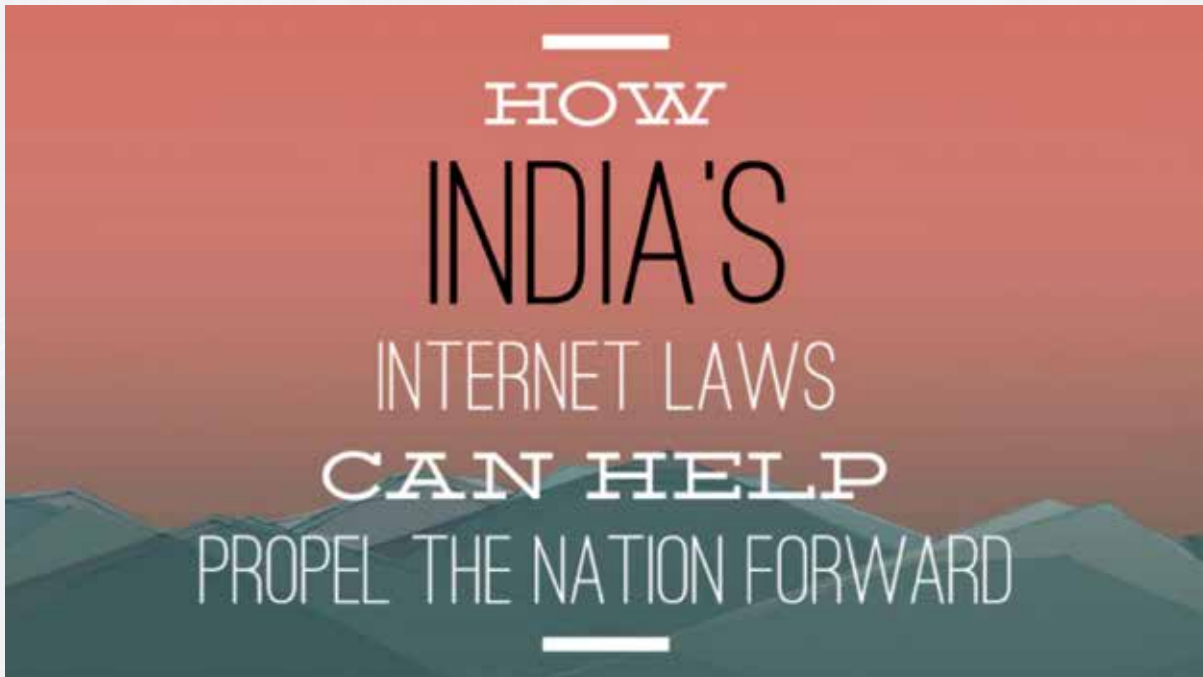
The report was launched with a panel discussion at the Center for Strategic and International Studies.



Data Beyond Borders Report Launch: Andrew Woods - University of Kentucky and Nicole Jones, Google

⁴ Emma Llansó and Susan Morgan, “Getting Specific About Transparency, Privacy, and Free Expression Online,” CDT Blog, November 5, 2014, available at <https://cdt.org/blog/getting-specific-about-transparency-privacy-and-free-expression-online/>.

Closing the Gap: India's Internet Laws

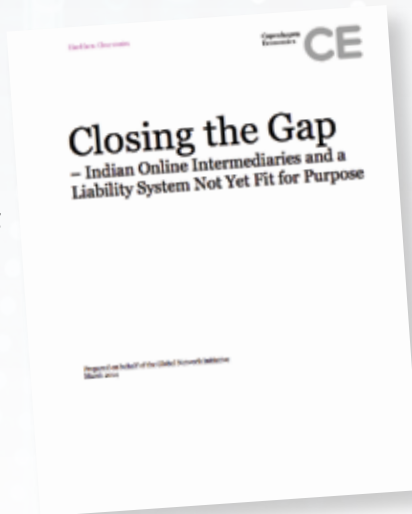


As the world's largest democracy, India trails only the United States and China in the number of Internet users, despite an Internet penetration rate of only 10 percent. But India's robust tradition of freedom of expression and its dynamic ICT sector have been threatened by anxieties around issues such as hate speech, political criticism, and obscene content. India's Information Technology Act, hurriedly amended in 2008 and updated with rules for Internet intermediaries in 2011, is ill suited to deal with ICT innovations such as social media and user-generated content, with negative consequences for intermediaries and users alike.

Building on collaboration among our participants in India and meetings undertaken during the past two years, GNI supported Indian efforts to reform provisions of the IT Act during the past year. We commissioned consultancy firm Copenhagen Economics to quantify the economic impact of India's intermediary liability laws. Their report "Closing the Gap: Indian Online Intermediaries and a Liability System Not Yet Fit for

Purpose," concluded that revised rules for online platforms that support user-generated content could increase their GDP contribution to more than 1.3 percent, equivalent to \$41 Billion.

Outgoing GNI Board Chair Jermyn Brooks traveled to New Delhi for the launch of the report and spoke at a panel discussion hosted by the Center for Communications Governance at National Law University Delhi. Together with the Internet and Mobile Association of India (IAMAI), GNI released an interactive mobile slideshow created by Newsbound that explained how the IT Act provisions were holding back economic growth and chilling freedom of expression.⁵ IAMAI cited the findings of the Copenhagen Economics report in arguments before the Supreme Court of India challenging the intermediary liability rules, as did lawyers for Indian startup Mouthshut.com that was profiled in the report.⁶



Closing the Gap – Indian Online Intermediaries and a liability system not yet fit for purpose

⁵ Available at <http://globalnetworkinitiative.org/india>.

⁶ See <http://timesofindia.indiatimes.com/india/Supreme-Court-seeks-Centres-response-on-take-down-notices-to-ISPs/article-show/41238541.cms> and <https://twitter.com/faisalMouthshut/status/557771565849653248>.



GNI/IAMAI Interactive Slideshow created by Newsbound

In March 2015, the Supreme Court of India issued a landmark ruling in support of freedom of expression. The Court struck down as unconstitutional Section 66a of the IT Act, which provided the power to arrest individuals for posting allegedly “offensive” content, and which had been used to arrest individuals for posting content on Facebook and other social networks. The Court also strengthened the safe harbor provisions for Internet intermediaries in section 79 of the IT Act, requiring a court or government order for takedowns under this provision.

When the ‘Right To Be Forgotten’ Threatens Freedom of Expression

GNI was deeply troubled by the risks to freedom of expression and access to information in the ruling by the Court of Justice of the European Union allowing individuals to compel search engines to remove links to unwanted information—even if that information is accurate, lawful, and publicly available elsewhere. As Mark Stephens wrote in an op-ed for *The Guardian*, “Privacy is a universal right that must be protected, but this overreaching judgment is far more likely to aid the powerful in attempts to rewrite history, than afford individuals more influence over their online identities.”⁷

⁷ Mark Stephens, “Only the powerful will benefit from the ‘right to be forgotten’” *The Guardian*, May 18, 2014, available at <http://www.theguardian.com/commentisfree/2014/may/18/powerful-benefit-right-to-be-forgotten>.

ACCOUNTABILITY AND ASSESSMENT

Assessments of each participating company's compliance with the GNI Principles and Implementation Guidelines are an essential element of GNI's accountability framework.

The report on the assessments and the determination of compliance for GNI's three founding companies, Google, Microsoft, and Yahoo, was announced in January 2014, and is summarized in the GNI 2013 Annual Report.⁸



Public Report on Independent Assessment Process for Google, Microsoft, and Yahoo

Beginning in 2014, the assessment process consists of two parts:

- 1) Self reporting from the companies to GNI
- 2) Independent assessment of each company member every two years, covering both process review and specific cases

In November 2014, the GNI Board reviewed self-reporting from new company members Facebook, LinkedIn, and Procera Networks. Public versions of these self-assessments, provided by the companies, are included in this report. These status reports on progress implementing the GNI Principles within each company, and illustrate how different companies are tailoring implementation to their specific profiles and operations. In 2015, independent assessments will be conducted of all participating companies.

Facebook



Founded in 2004, Facebook's mission is to give people the power to share and make the world more open and connected. People use Facebook to stay connected with friends and family, to discover what's going on in the world, and to share and express what matters to them. Free expression and privacy are core to our mission, and so they have always been central to Facebook's policies and operations. Facebook's Data Use Policy outlines our privacy standards, and our Community Standards explain how we balance the needs and interests of the 1.3 billion people who engage in global conversation on our platform each month.

Recognizing the importance of working with other stakeholders to advance freedom of expression and privacy in a world where Internet freedom is

increasingly under threat, Facebook joined GNI in 2013. After a year as a GNI Observer, our decision to become a GNI member reflects our ongoing commitment to create a more connected and open world, as well as our belief in collaborating with industry partners and civil society to advocate policies that support our shared values.

We are committed to inculcating a respect for human rights and freedom of expression within our corporate culture. As such, our operations and our vision for the world align directly with GNI's Principles of freedom of expression and privacy. In addition to designing our systems to ensure that privacy and freedom of expression are incorporated throughout the product design and development processes, senior representatives from Facebook's policy, legal, communications, security, and engineering teams oversee work on GNI implementation and regularly report to the VP of Communications,

⁸ Public Report on the Independent Assessment Process for Google, Microsoft, and Yahoo, available at <http://globalnetworkinitiative.org/content/public-report-independent-assessment-process-google-microsoft-and-yahoo>.

Marketing and Public Policy, who reports directly to Facebook's COO.

Facebook has teams on six continents working to give our users the best possible experience. We work to ensure that Facebook continues to be a platform that enables people and communities to express themselves freely and authentically, while safeguarding their safety, security, and privacy. To this end, we ensure all new Facebook employees undergo training to understand our culture and our company's commitment to privacy and freedom of expression.

“We are committed to inculcating a respect for human rights and freedom of expression within our corporate culture.”

Advocating for Freedom of Expression & Privacy

To support our mission of making the world a more open and connected place, Facebook has consistently advocated for governments around the world to protect the privacy of Internet users and to respect the values of openness and freedom of expression. Both industry and civil society have begun to place additional focus on the need for governments to reform the conduct of electronic surveillance. Building from the principles underpinning GNI, Facebook has partnered with other industry partners to form Reform Government Surveillance (RGS). We have collectively called on governments to endorse the following principles and enact reforms that would put these principles into action:

- Limiting Governments' Authority to Collect Users' Information.
- Oversight and Accountability.
- Transparency About Government Demands.
- Respecting the Free Flow of Information.
- Avoiding Conflicts Among Governments.

Animated by the GNI Principles, the RGS principles, and our steadfast commitment to protecting the privacy of our users, Facebook is advocating globally

for the rights of people who use both our services and, more broadly, the Internet.

In the United States, for example, we have worked with civil society and industry partners to actively support efforts in the U.S. Congress to ensure that U.S. surveillance efforts are clearly restricted by law, proportionate to the risks, transparent, and subject to independent oversight. At the same time, we are advocating for reform of the Electronic Communications Privacy Act to codify our practice of requiring a warrant to access people's account information.

In other countries, and in concert with civil society and industry partners, we continue to press for clear protections and transparency as other governments, such as the United Kingdom and Germany, consider surveillance regulation. We will continue to work with partners, including GNI members, to pressure governments to respect online privacy and to reform surveillance laws so as to protect the information of people who use online services.

Government Requests for Information

We honor our commitment to privacy and freedom of expression in our interactions with law enforcement agencies around the world. Consistent with GNI Principles, when we receive a government request for information, we carefully assess whether the request appears to be legally valid in the country from which it originated.

In the United States, we disclose user data (content and non-content data) in accordance with our terms of service, Data Use Policy, and applicable law, including the federal Stored Communications Act (“SCA”), 18 U.S.C. Sections 2701-2712.

In other countries, we disclose account records (non-content data) in accordance with our terms of service, Data Use Policy, and applicable law in both the US and the requesting country. Under our Data Use Policy, we may disclose to governments outside the US “where we have a good faith belief that the response is required by law in that jurisdiction, affects users in that jurisdiction, and is consistent with internationally recognized standards.” We typically direct authorities to use a Mutual Legal Assistance Treaty request or letter rogatory when seeking account contents. In situations involving imminent harm to a child or risk of death or serious physical

injury to any person, law enforcement officials may submit an emergency disclosure request. If, based on the information provided, we have a good faith belief that there is a situation involving imminent harm to a child or a risk of death or serious physical injury to any person, we may produce the requested information.

We require that requests be submitted in writing and we push back on requests that are vague, overly broad, appear legally invalid, or that do not comply with internationally recognized standards. For example, since last summer, we've been fighting hard against a set of overly broad search warrants issued by a court in New York in the United States that demanded we turn over nearly all data from the accounts of 381 people who use our service, including photos, private messages, and other information. This unprecedented request is by far the largest we've ever received. We have argued that these warrants were unconstitutional from the start and are continuing to litigate this matter. It is our policy to interpret requests narrowly and we limit our productions so as to only provide as much data as applicable law and our policies would require.

Facebook endeavors to operate in a transparent manner. In addition to disclosing the circumstances that might require us to provide user information to government authorities in our Data Use Policy and Information for Law Enforcement Authorities, we have also been publishing regular reports on government requests for information since we joined GNI in 2013. We have also recently revised our Notification Policy to further enhance transparency. Under our Notification Policy, we “notify people who use our service of requests for their information prior to disclosure unless we are prohibited by law from doing so or in exceptional circumstances, such as child exploitation cases, emergencies or when notice would be counterproductive.” The implementation of this policy requires a country-by-country assessment of relevant law and so it will become operational on a rolling basis as this work is completed.

We will continue to assess on an ongoing basis how to support and improve user transparency, with an eye toward protecting freedom of expression and

privacy. The latest version of our Government Requests Report can be found here: <https://govtrequests.facebook.com>. The most recent version of our Notification Policy can be found here: <https://www.facebook.com/safety/groups/law/guidelines/>.

Freedom of Expression & Local Laws

Facebook gives people around the world the power to publish their own stories, see the world through the eyes of many other people, and connect and share wherever they go. The conversation that happens on Facebook – and the opinions expressed here – mirror the diversity of the people using Facebook. That conversation — that expression — is the lifeblood of Facebook. When we receive a government request seeking to enforce its own laws by limiting access to content on Facebook, we review it with care and, even where we conclude that it is legally sufficient, we aim to restrict access to the content as narrowly as we can while maintaining legal compliance. (Our regular report on government requests includes country-by-country information on the number of pieces of content restricted by local laws.) We remove content globally where we determine that it violates our community standards, which are designed to protect expression and balance the needs and interests of a global population of users.

Encryption & Data Security

Keeping user information safe is core to everything we do at Facebook. For example, we use default HTTPS for connections to Facebook, with Perfect Forward Secrecy and HSTS (strict transport security). Thanks to all the upgrades we have



Screen shot of Facebook Government Requests Report

made over the last 18 months, users' connections to Facebook are now protected with the same kind of encryption technology that banks use to keep financial data secure, and we are continuing to explore ways to enhance security.

We also use advanced systems, techniques like machine learning, and teams of engineers to defend the information users entrust to us. Besides all we do to protect users behind the scenes, we offer many of easy-to-use security tools (two-factor authentication and Login Notifications) that add an extra layer of security to accounts. We also offer social authentication tools such as Trusted Contacts and friend photo verification. These tools allow users to verify activity more easily and pick friends who can help them to back into their accounts if they lose access. We are also a leader in the industry on cybersecurity issues, working to share best practices and learn lessons from others in the industry.

New Products, New Partners, & New Markets

Embodying our values, including those outlined in the GNI Principles, is something that Facebook strives to do in every aspect of our work. When designing, modifying, or launching products, or when taking other significant actions like acquiring another business, Facebook conducts a cross-functional legal, policy, business, and engineering review of the privacy and security implications. This process ensures that the needs of our users are systematically protected as we advance our mission of giving people the power to share and make the world more open and connected. Of course, issues of privacy and freedom of expression vary from country to country. The nature of Facebook's product is such that it is available in every country unless the government takes active steps to block the site. That said, when deciding whether or not to open an office, build a data center, or take other significant actions with a local nexus, Facebook assesses the relevant political, legal, and cultural conditions in a location to identify issues of concern and ensure that we are taking appropriate steps to protect our users.

In addition, Facebook requires all third parties who handle or have access to Facebook data to adhere to applicable laws governing data protection and privacy. Facebook expects third parties doing business with Facebook to conduct themselves ethically, responsibly, and with integrity. Third

parties are required to comply with all laws and regulations applicable to their business, wherever conducted. Third parties are contractually bound by statements of work clearly articulating the appropriate scope of their access to Facebook data.

Community Engagement

Facebook also implements the GNI Principles by supporting and engaging with communities, organizations, and individuals that advance freedom of expression and privacy. We work with civil society organizations to arrange and sponsor conferences, train at-risk users on how to use our products safely, and update our policies and enforcement practices. We are also committed to designing and developing programs to ensure the people using our platform have the tools and resources they need to have a positive "connected" life.

Through our global data literacy initiative, for example, we have created an educational online hub to help people better understand what data is, how it is shared, and why it matters. The hub also directs people to resources and tools that help people better control what they share, outlines what choices they have, and explains how to get more information. The site also provides relevant information about the local and international laws and standards that protect people and their data, as well as access to important local NGO and government resources to help people find the answers they need.

Looking Forward

Facebook recognizes that our commitment to privacy and freedom of expression must continue to be matched with action. As such, we constantly work to identify and address gaps in our current practices, build on our successes, and understand and adopt industry best practices. As the internet becomes more integral to our lives, civil society, governments, and the private sector together must grapple with a range of complicated issues — whether the power of data science, the dangers of online radicalization and hate speech, the rise of new technologies, or the explosion of creativity as the next billion people come online. As Facebook works to seize these opportunities and confront these challenges, we look forward to continuing to partner with GNI and its members to honor our shared values as we work to make the world more open and connected.



LinkedIn connects the world's professionals, helping our 300 million+ members become more productive and successful. Our vision is to create economic opportunity for every member of the global workforce, each of whom has the ability to create economic opportunities for others. We believe this is the fundamental power and purpose of our network. LinkedIn has a diversified business model with revenue coming primarily from tools for individual members, recruiters, and marketing and sales teams. Our Talent Solutions, Marketing Solutions, and Premium Subscriptions are designed to help professionals achieve higher levels of performance and to allow enterprises and professional organizations to find and connect with the world's best talent. Through our proprietary platform, members are able to create, manage and share their professional identity online, build and engage with their professional network, access shared knowledge and insights – including Pulse news, Influencer posts, and SlideShare presentations – and find business opportunities, enabling them to be more productive and successful.

We are also focused on developing the world's first Economic Graph – a multi-faceted digital map of the global economy that identifies the connections among people, jobs, skills, educational institutions, companies and professional knowledge. The Economic Graph will illustrate real-time trends pointing to economic opportunities and make it possible to connect talent with those opportunities worldwide – thus helping our members navigate an increasingly complex 21st century global economy. We are further expanding this effort through LinkedIn's recent acquisition of Lynda.com – a phenomenal resource for members to acquire the necessary skills to reach their professional goals.

Our members use LinkedIn to search for professional opportunities, and they turn to LinkedIn content to seek guidance on how to advance their careers. They also express their views on various topics relevant to professionals, fully engaging with our platform, enhancing the value of our network, and supporting the development of an Economic Graph. Our members participate in, contribute to, and leverage LinkedIn because they have confidence the company

will keep their data secure, protect their privacy, and provide a platform for the expression of ideas relevant to their professional development. We understand that earning and sustaining our members' confidence and trust in these areas is critical to our business success. As we grow – with respect to membership, services offered, and the markets in which we operate – we will face new challenges to member privacy and free expression. We recognize we must continuously reevaluate and recalibrate our policies to meet these challenges in a responsible, “members first” way. That's what motivated LinkedIn's leadership team to join the Global Network Initiative – first as an observer in November 2013, and in March 2014 as a board member. We are eager to continue participating in GNI's collective learning, sharing its best practices, and engaging in collective action to protect members' rights.

Responsible Company Decision-making

LinkedIn has a *members first* approach that guides our strategy and decision-making. We also recognize that some initiatives present multiple, and sometimes countervailing, considerations. Using this approach, we have delayed, or even canceled, certain products, features, and partnerships because they don't reflect our commitment to our members first philosophy. Set out below are some examples of how we have created operational guidelines or practices that reflect our members first approach:

- We notify members if we learn that their account may be at risk.
- We continue to refine and simplify our privacy policy to make sure our members understand how their data is used and how they can manage their privacy settings.
- We carefully scrutinize government demands for member data – narrowing requests and pushing back where such demands are inconsistent with our policies or with applicable laws.
- We provide members notice (to the extent permitted under law) before providing member data in response to a government request.
- We publish bi-annual transparency reports outlining such government demands for member information.

“We recognize we must continuously reevaluate and recalibrate our policies to meet these challenges in a responsible, ‘members first’ way.”

Recognizing the value of maintaining our members’ trust in LinkedIn, we’ve created transparency initiatives, a strong cross-functional team focused on our members, and processes designed to protect our members’ privacy and security.

Team

We have an experienced Legal team focused on, among other things, member privacy and free expression, led by Mike Callahan, who was named general counsel in July 2014. Our Public Policy team advocates for greater protection of members’ data, limits on government surveillance, reforms to laws that haven’t kept up with technology, and greater transparency concerning the scale of government data demands. We have a dedicated Trust & Safety team that implements our professional community guidelines and network safety while reinforcing freedom of expression as the baseline. In addition, many other individuals and teams at LinkedIn play an important role in this company-wide effort – our head of global compliance, Engineering and Product teams, Communications staff, Data Security group, and our Audit team, to name a few.

Transparency

We believe transparency is key to our members’ rights and to our long-term success as a company. It allows our members to make informed decisions about their participation on our network. Member awareness of what we do with their data – how we use it in our business, how we store it, and how we respond to the demands of various governments seeking access to it – ultimately supports their rights to privacy and freedom of expression. Accordingly, we are up-front in our user agreement and privacy

policy about how we use member data, and provide tools and settings that enable members to control their own data. We are continuously working to improve and simplify these policies and settings.

We also offer transparency to our members and to the public with respect to government demands concerning members’ personal information and member-generated content where permitted by law. We publish our transparency report outlining government data requests twice a year.

Members’ Privacy and Security

While members generally intend their professional profile information to be public, they trust LinkedIn to keep their nonpublic personal information and activity private and secure, and to give them control over what information is and isn’t shared. Safeguarding privacy and security – and maintaining member trust – is a constant, cross-company effort. It begins with every new LinkedIn employee completing a mandatory privacy training designed by the Security and Legal teams. It continues with a privacy- and security-focused product and engineering staff, and with privacy and security reviews conducted throughout the product development process. It also includes verified compliance with leading privacy standards, including Safe Harbor and TRUSTe certification programs.

Beyond these privacy safeguards, LinkedIn strives to keep members aware of what it does and doesn’t do with member data, and what privacy controls members have over their personal information. In



Video summarizing new LinkedIn user agreement.

line with our members first principle, we're focused on providing members with clarity, consistency, and control when it comes to their data. LinkedIn recently revamped its user agreement and privacy policy, making them shorter and easier to understand and accompanying them with summary bullets and an introductory video. When the company makes material changes to its policies, or when members' privacy is otherwise materially affected, we notify members via email, blog post, or web banners. We also provide members access to LinkedIn's Trust & Safety team and Help Center for answers to questions about privacy, security, and to get help managing their privacy settings.

LinkedIn's efforts to protect, and be transparent with respect to, member privacy also include the processes it has in place to respond to an increasing number of government demands for member data. Every government demand for member data is reviewed by LinkedIn's Legal team to determine if the demand is overbroad, fails to comply with procedural and jurisdictional requirements, or is otherwise objectionable.

As explained in LinkedIn's Law Enforcement Data Request Guidelines, unless prevented by statute or court order, LinkedIn insists on notifying any member whose personal information is at stake in a government or civil data request. More broadly, LinkedIn notifies all its members, twice a year, regarding the number, source, and type of government data requests received with respect to all members worldwide.

Following the Snowden revelations in the summer of 2013 concerning government surveillance, LinkedIn joined other leading technology companies in filing a legal challenge to rules prohibiting the disclosure of the number of national security requests for member data it receives. These efforts contributed to a January 2014 agreement with the Department of Justice, which allows LinkedIn and other companies to provide at least some transparency by reporting, in aggregate bands of 250, the number of national security requests received. This was a step in the right direction, but as we noted in our transparency report, we'll "keep advocating for even greater transparency for U.S. national security-related requests for member data." LinkedIn is continuing its push for reform as a founding member of the Reform Government Surveillance coalition which advocates reforming

law and practices, consistent with established global norms of free expression and privacy, to make government surveillance and data collection rule-bound, narrowly tailored, transparent, and subject to oversight. Our participation and board membership with GNI reflects LinkedIn's ongoing effort to bolster privacy and freedom of expression rights worldwide. We also advocate for reform individually as a company through our Public Policy team and anticipate participating actively in a more robust collective advocacy with GNI members.

Members' Freedom of Expression

"LinkedIn strongly supports freedom of expression and fundamentally disagrees with government censorship." -Jeff Weiner, CEO (Feb. 24, 2014 blog post)

Striking the right balance when it comes to reinforcing our commitment to free expression while limiting harmful or illegal content is an ongoing effort. Like many online services that feature user-generated content, we seek to limit and prevent harmful content such as pornography, scams, hate speech, defamatory statements, spam and intellectual property rights violations. Consistent with our mission and vision, and to ensure that interactions on LinkedIn help our members be more productive and successful, we have put in place "Do's and Don'ts" in our user agreement as well as professional community guidelines, providing our members clarity on the types of discussions and content that are acceptable on the network, and what may be deemed inappropriate and removed under our user agreement.

We believe that free expression advances our vision of creating economic opportunity for the global workforce, and we exercise our discretion sparingly to remove inappropriate content through a defined process that generally involves human and machine review, and notification of affected members.

Advocacy

We have joined a number of organizations and worked with peer groups in recent years to learn more about the jurisdictions in which we operate or plan to operate, to compare and contrast company practices, and, collectively, to seek reforms in policies that appear detrimental to Internet users' privacy and free expression. To further our advocacy we have engaged in a number of government access and

government surveillance reform efforts in the U.S. For example, we are a member of the Digital Due Process coalition, which advocates for reform of the Electronic Communications Privacy Act to require at all times a warrant when law enforcement authorities seek the content of our members' communications. We have also been active participants in the Reform Government Surveillance coalition, which advocates for the reform of government surveillance laws to prohibit bulk collection of data and to promote transparency initiatives, among other things. As part

of the Reform Government Surveillance coalition we have been strong advocates for passage of the USA Freedom Act. We have also been working actively with other GNI participants to develop stronger advocacy plans involving free expression and privacy, and to expand the scope and influence of GNI in the public policy space. We are eager to keep developing our relationship with key stakeholders through the GNI learning forum, other conferences focused on Internet freedom, and ongoing consultation with participating organizations.



Procera Networks

Procera's mission is to enhance the subscriber experience from the device to the Internet for broadband subscribers worldwide. Our technology allows network operators visibility into subscriber traffic running on their infrastructure and offers the tools to manage the traffic to deliver a higher quality of experience. Network operators worldwide are using our solutions today to meet and exceed their subscriber's expectations. Our solutions are used in 81 countries worldwide by fixed and mobile network operators today, and the company had revenues of USD \$75M in FY 2013.

Examples of Procera's large customers are Telekom Austria Group, Vimplecom, Cox Communications, Shaw, Softbank, and the 3 Group in Europe. In our customer's networks, our hardware and software solutions are deployed in the access, aggregation, or peering part of the network to deliver Procera's solutions. Our solution offerings to operators are:

- Analytics: Gain Insights into subscriber and network trends that are affecting capital and operational expenditures, as well as the subscriber experience.
- Enforcement: Take Action on network traffic to optimize network resources, mitigate attacks, and to create new service packages and business models for monetization.

Some examples of our solutions include Congestion Management and Fair Usage, Advanced Traffic Steering, Customer Care portals, and Video

Analytics. It is important to note that we do not sell directly to governments, but directly to service providers. This means that our customers are using our technology and solutions to comply with their local government's requests or mandates, and not Procera directly. We also do not control or have access to customer data that our customers gather with our solutions, they are managed by the operators' directly.

However, our technology can be used by prospective customers in ways that are not consistent with principles of human rights of free expression and privacy. The management team of Procera proactively joined the Global Network Initiative ("GNI") to gain access to an organization that we can leverage to gain insights from other companies and concerned organizations concerning how we can better manage this issue as we expand our business. Our engineering staff in particular is very sensitive to this issue, and they have expressed their desire to monitor it very closely.

To improve the visibility and transparency into our sales activity, Procera has created an Ethics Committee that will be the touchpoint for this issue inside of the company. The Ethics Committee will be

“Our technology allows network operators visibility into subscriber traffic running on their infrastructure and offers the tools to manage the traffic to deliver a higher quality of experience.”

made up of members from Marketing, Legal, CTO, and an at-large member selected to represent the rest of the company. This team will act as an escalation point for sales activities that any employee feels may potentially infringe upon principles of privacy and freedom of expression expressed by GNI and shared by Procera. This task can be challenging as many of our customers are required by local law to conform with governmental regulations that may not match our principles, but are consistent with local cultural values and laws.

The Ethics Committee will review any opportunities that are raised by employees and make a recommendation to the executive management team that contains the following information:

- A description of the opportunity and the stated and implicit goal of the prospective deployment of the Procera solution.
- The specific requirements or requests that may infringe on privacy or freedom of expression.
- Legal evaluation to determine the validity any requests or restrictions proposed by the customer in light of applicable local law.
- Impact on rights of subscribers if the Procera solution is deployed.
- Recommendation of the Ethics Committee.

The Ethics Committee will share these recommendations internally with the company to ensure full transparency, so that any employee can see and question the Ethics Committee on the recommendation as well as document the decision of the executive management team in each case. We have established a contact email alias for the committee so that any employee can send concerns to the committee.

The committee in the process of reviewing a few opportunities that have been brought to our attention, and are building out the process that we will follow. The committee has interviewed the sales teams on the details of the deal, reviewed the requirements documentation and professional services scope of work proposal, and talked to several engineers that have interacted with the account to gain multiple perspectives on the ongoing opportunity. The committee is reviewing this information and expects to make

“Procera’s goal is to ingrain the principles of human rights of free expression and privacy into our corporate culture.”

a recommendation in the next few weeks to the Procera Management team.

Outside of the establishment of the Ethics Committee, Procera has other mechanisms that we use as guiding principles in development and sales to minimize the opportunity for abuse of our solutions to be abused.

- Avoid implementing functionality that directly conflicts with privacy or freedom of expression with no alternative subscriber experience usage. Some of the capabilities of the Procera solution offer a great deal of value to subscribers, but can also be misused. One example is our ContentLogic solutions that are used to offer Parental Control solutions to manage content for under-age subscribers and block child pornography, but can also be used to filter any content or sites. There is a risk that in some countries, this capability could be used to suppress freedom of expression by governmental agencies. Procera will review the requirements for deals involving this solution carefully to attempt to determine the intention of the customer. An example of a capability that we would not implement would be the extraction of passwords from data streams and storage of them for viewing by the network operator, governmental agencies or law enforcement.
- Strong self-policing in Research, Development, Marketing, and Product Management for the solutions that we advertise to the general market. Although our solutions can be used for solutions like Lawful Intercept, Data Capture and Retention, and similar solutions, Procera does not market our solutions to consumers of these capabilities or actively integrate with other solutions that offer these capabilities.
- Active evaluation and monitoring of markets that we enter. Procera will enter markets that may be known for potential freedom of expression or privacy violations, or a market could change based on the policies of newly installed governments

from the initial conditions of our market entry. Procera evaluates the landscape of new markets and monitors existing markets for risks.

There are a number of other initiatives that are being launched in 2015 that will enhance the company position on freedom of expression and privacy and further embed these principles in the company culture.

- Formal documentation of the charter of the Ethics Committee as a living document as the committee establishes the guidelines for evaluation of individual opportunities.
- Training for employees and partners on what kinds of opportunities Procera does not want to sell into as part of our on-boarding process. This training will enable the corporate culture to become ingrained in each employee and provide a solid basis for individuals to evaluate individual opportunities against clear established guidelines.
- Initiation of an escalation process to enable local resolution within the organization while maintaining corporate governance of the entire review process.

- Ongoing consultation with GNI and other companies that face the same issues as Procera to ensure our implementation is consistent with best practices.

Procera's goal is to ingrain the principles of human rights of free expression and privacy into our corporate culture. For a growing company that operates in the technology market as we do, this is not an easy task given the multi-cultural nature of our company and the markets we sell into. However, we feel strongly about this issue, and are working to ensure that the concerns of our employees are met when we bring our solutions to the market. We will continue to work closely with GNI and evolve our doctrine as GNI tackles the freedom of expression and privacy issues as the Internet continues to proliferate and broadband technology is pervasively available to consumers.

ABOUT GNI

Welcome Judith Lichtenberg



The Global Network Initiative is pleased to welcome Judith Lichtenberg as our new Executive Director. “We are delighted to have Judith join GNI during our next phase of growth and development, to help us expand our

membership and extend our influence in support of freedom of expression and privacy rights worldwide,” said GNI Board Chair Mark Stephens.

“At a challenging moment for freedom of expression and privacy rights in the ICT sector, it is an honor and a privilege to join GNI,” said Ms. Lichtenberg. “When companies join forces with each other and with civil society organizations, investors, and academics, their potential to have impact on the laws and policies that threaten rights online is multiplied considerably.”

Before joining the GNI, Ms. Lichtenberg was Head of Regulatory Affairs & Digital Rights at Vodafone Netherlands in Amsterdam, where she worked in a variety of roles since 2008. At Vodafone Netherlands, she previously served as Head of Privacy & Sustainability and before that as Head of Legal Affairs. Prior to joining Vodafone in 2008, she was Executive Director of the Lawyers for Lawyers Foundation, a Dutch NGO on whose board she continues to serve. Her international human rights experience includes serving as an international election observer in Ukraine and Armenia, and as a law clerk with the International Criminal Court and the International Criminal Tribunal for Rwanda.

Ms. Lichtenberg officially joined GNI on April 13, and will be based in Amsterdam, with regular travel to the United States and around the world.



Susan Morgan, Executive Director of the Global Network Initiative, stepped down from her position at the end of 2014.

Farewell Susan Morgan

Susan Morgan, Executive Director of the Global Network Initiative, stepped down from her position at the end of 2014.

Susan was the first Executive Director of GNI and led the initiative since 2010, building the organization and extending its influence on freedom of expression and privacy rights on the Internet around the world.

“With her unique combination of tact and tenacity, Susan has made invaluable contributions throughout her time at GNI,” said Mark Stephens. “Her veritable cornucopia of accomplishments range from growing GNI’s network to driving the first independent assessments of Internet companies on free expression and privacy rights. She will be sorely missed and everyone at GNI wishes her the very best.”

Susan said: “Leading GNI at a time when issues of free expression and privacy are making headlines around the world has been a real privilege. I look forward to seeing GNI go from strength to strength in its next stage of development.”

The staff and members of GNI are profoundly grateful to Susan for her tireless work and we wish her well in her future endeavors.

Governance

The Board of Directors is responsible for the strategic direction and fiduciary operations of GNI. The Board members are as follows:

Independent Chair

Mark Stephens, *CBE*

ICT Companies

Pablo Chavez, *LinkedIn*

Steve Crown, *Microsoft*

Tekedra Mawakana, *Yahoo*

Matt Perault, *Facebook*

Lewis Segall, *Google*

Three seats remain open for future member companies.

Civil Society Organizations

Arvind Ganesan, *Human Rights Watch*

Rob Mahoney, *Committee to Protect Journalists*

Greg Nojeim, *Center for Democracy & Technology*

One open seat remains for civil society organizations.

Investors

Bennett Freeman, *Calvert Group*

(*GNI Board Secretary*)

Sara Nordbrand, *Church of Sweden*

Academics and Academic Organizations

Eduardo Bertoni, *University of Palermo*

Dalia Topelson, *Berkman Center for Internet & Society, Harvard University*

The NYU Stern Center for Business and Human Rights Joins GNI

In September 2014, the Center for Business and Human Rights at New York University Stern School of Business became the newest academic member of GNI.

“As threats to the open internet intensify, the GNI is an increasingly important initiative. To make progress on human rights, companies need the safe space that GNI provides to discuss these issues, explore pragmatic approaches, and to learn from experts, advocates, and other companies,” said Center co-director Michael Posner.

Launched in March 2013, the Center’s mission is to challenge and empower companies and future business leaders to make practical progress on human rights. Center co-director Michael Posner previously served as Assistant Secretary of State for Democracy, Human Rights and Labor at the State Department, and together with Center co-director Sarah Labowitz worked on issues related to business and human rights and the Internet. Prior to joining the State Department, Posner and Labowitz helped to form GNI while working at Human Rights First.

Strategic Review

In 2014, the Global Network Initiative Board of Directors undertook a strategic review of the initiative’s progress toward creating a standard to protect and advance freedom of expression and privacy across the Information and Communication Technology (ICT) sector.

The review took place at an inflection point in GNI’s history, following the organization’s fifth anniversary and the completion of the first cycle of independent assessments for the founding companies, alongside the government surveillance revelations made by Edward Snowden, and increasing government threats to free expression and privacy rights worldwide.

The aim of the review was to take stock of GNI’s achievements thus far, and to consider how to build an even stronger multi-stakeholder initiative to address the freedom of expression and privacy challenges in the ICT sector that are now in the global spotlight.

GNI’s multi-stakeholder Board of Directors undertook the review with consulting support from Michael Samway, faculty member at Georgetown University’s Master of Science in Foreign Service Program and former GNI Board member for Yahoo. The review process included extensive consultation with current and former GNI participants, assessors and key external stakeholders.

Outcomes

As part of the strategic review, the Board agreed to recommendations concerning GNI's shared learning and policy advocacy, organizational capacity and fundraising, communications strategy, and independent assessment process. In February 2015, the Board approved revisions to the GNI Governance Charter and Accountability, Learning, and Policy Framework to reflect these decisions.⁹

Learning and Policy

GNI renewed its commitment to increase its policy and learning activity and approved strategies for policy advocacy and shared learning as part of the review. From our successful advocacy in support of intermediary liability reforms in India, to our efforts to increase transparency around government surveillance and content removal with the Freedom Online Coalition, our activities are already demonstrating the impact of multi-stakeholder collaboration on policy advocacy.

Organizational Capacity and Fundraising

As part of a comprehensive effort to increase and diversify GNI's sources of funding, the board has developed a fundraising policy to determine what sources of funding, including from governments as well as private sources, GNI will accept. This policy has been posted on the GNI website.

Communications

The Board approved a revised communications strategy, updating GNI's processes for public statements and communicating its work to the public. Communications will focus on two objectives: 1) advancing the adoption of the GNI Principles worldwide; and 2) Influencing policy to create an enabling environment for implementing the principles and guidelines.

Accountability and Assessment

As part of the review of the assessment process, the Board has agreed to changes to the process to make it more efficient, effective, and transparent.

The assessment process will now combine the review of company policies and processes with the

case review into a single independent assessment of participating companies, which will occur every other year. Participating companies complete a self-assessment within one year of joining GNI, followed by an independent assessment following their one-year anniversary as a full member. Companies will use best efforts to provide more transparency on the results of the independent assessment, and each company will produce a public description or report based on the independent assessment within six months following the completion of the assessment process.

2014 Financials

GNI is an independent non-profit organization exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. GNI is funded by member contributions and through additional support including from the MacArthur Foundation.

2014 Financial Statement

PUBLIC SUPPORT & REVENUE:

Contributions & Grants	\$200,000
Membership Fees – General	\$383,286
Membership Fees – Telecom Industry Dialogue	\$149,955
Interest Income	\$54
Total Public Support & Revenue	\$733,295

EXPENSES:

Salary & Benefits	\$314,866
Consultancy	\$42,083
Travel and meetings	\$106,005
Professional Fees	\$15,236
Office Supplies & Miscellaneous	\$16,166
Rent	\$44,872
Publications & Conferences	\$8,667
Administrative Support	\$34,150
Total Expenses	\$582,045
Increase in Net Assets	\$151,250
Net Assets – Beginning	\$186,205
Net Assets – Ending	\$337,454

⁹ See <https://globalnetworkinitiative.org/news/gni-strategic-review-outcomes-and-next-steps>.

¹⁰ Available at <https://globalnetworkinitiative.org/about/index.php>.

GNI Staff

Judith Lichtenberg, *Executive Director*

David Sullivan, *Policy & Communications Director*

Lisl Brunner, *Telecommunications Industry
Dialogue Facilitator*

2013 Google Policy Fellow: James Losey

2013-2014 Georgetown MSFS Intern: Simon Harari

GNI appreciated the legal advice and support it receives from White & Case LLP and Dickstein Shapiro LLP and the support of key staff from the Center for Democracy & Technology including Ian Williams, Michael Grimes, and Portia Wenzel-Danley.



