

# América Móvil, S.A.B. de C.V.

Operating company evaluated:

- Telcel [Mexico]

Services evaluated:

- Telcel [Prepaid mobile]
- Telcel [Postpaid mobile]

Rank	Score	Difference
7	25%	^ 3.39

Rank among 12 telecommunications companies



## Key findings

- Despite some key improvements, América Móvil disclosed little about policies and practices affecting freedom of expression and privacy.
- América Móvil was unclear about its rules and how they are enforced, as well as how it responds to government requests to shut down networks.
- América Móvil did not clearly disclose how it handles government or private requests to block content or to hand over user information.

## Key recommendations

- **Be transparent about external requests:** América Móvil should be more transparent about how it responds to government requests to block content, restrict user accounts, shut down networks, or hand over user information.
- **Improve human rights due diligence:** América Móvil should disclose information about its human rights due diligence processes, including whether it conducts human rights impact assessments.
- **Disclose more about security practices:** América Móvil should clarify its policies for securing user information, including its procedures for handling data breaches.

## Analysis

América Móvil ranked seventh out of the 12 telecommunications companies evaluated, disclosing little about policies and practices affecting freedom of expression and privacy.<sup>1</sup> However, it improved its disclosure of governance and oversight over freedom of expression and privacy issues by making a formal commitment to respect users' freedom of expression and privacy rights.<sup>2</sup> It also disclosed new employee training and whistleblowing programs on human rights. Despite these improvements, América Móvil needs to disclose more to meet basic benchmarks for transparency in key areas. For instance, it did not disclose how it responds to government or private requests to block content or accounts, although no laws in Mexico prevent companies from doing so. In addition, although companies are required to report to the telecommunications authority how many government requests they received for real-time location tracking or access to user metadata, América Móvil did not publish this information.<sup>3</sup>

**América Móvil, S.A.B. de C.V.** offers telecommunications services in Mexico and 35 countries in the Americas and Europe. It offers mobile, fixed-voice, and data services and is one of the largest operators globally.

**Market cap:** USD 52.2 billion<sup>4</sup>  
**BMV:** AMX L  
**Domicile:** Mexico  
**Website:** <https://www.americamovil.com>

## Governance 37%

América Móvil scored below most of its peers in the Governance category, though it made some notable improvements. The company published a new human rights policy that articulates a clear commitment to respect users' human rights to freedom of expression and privacy (G1), and also disclosed new employee training and whistleblowing programs for reporting freedom of expression and privacy violations (G3). However, it continued to lack clear disclosure of whether it conducts human rights impact assessments, and failed to disclose if it assesses risks associated with its use of automated decision-making or

targeted advertising (G4). It also failed to disclose a commitment to engage with a range of stakeholders on freedom of expression and privacy issues (G5). However, América Móvil offered better grievance and remedy mechanisms than most of its peers, enabling users to lodge freedom of expression and privacy related complaints, though it did not disclose its timeframe for these mechanisms or evidence that it is providing remedy (G6). Mexican companies are legally required to provide users with a complaint mechanism.<sup>5</sup>

## Freedom of Expression 17%

América Móvil revealed little about policies and practices affecting freedom of expression, tying with Orange in this category and lagging behind Telenor, Vodafone, AT&T, and Telefónica. Telcel's terms of service were difficult to find and understand (F1), and lacked clarity about if and how it notifies users of changes (F2).<sup>6</sup> It disclosed some information about its process for enforcing its rules (F3) but failed to disclose any information about actions it took to block content or restrict user accounts for violating its rules (F4). América Móvil offered no information about how it handles government or private requests to restrict content or accounts (F5-F7). There are no laws in Mexico preventing the company from being more

transparent about how it handles such requests.

In addition, it lacked clear disclosure about its network management policies (F9) and its approach to handling network shutdown requests from governments (F10). Although it published a policy on net neutrality principles, the operating company Telcel stated that it offers zero-rating for certain content on specific social networks and instant messaging services (F9).<sup>7</sup> Like many of its peers, América Móvil disclosed no information about how it responds to government demands to shut down networks (F10).

## Privacy 26%

América Móvil failed to disclose sufficient information about policies and practices affecting privacy and security. Like most telecommunications companies, América Móvil provided almost no information about how it responds to third-party requests for user information (P10). Its score declined due to a change in disclosure which made it less clear if the company carries out due diligence before it responds to government requests for user information (P10). América Móvil failed to disclose whether it informs users when their information is requested (P12). It did not publish any data about such requests (P11), despite being required by law to report the number of government requests for real-time location tracking or user metadata to the country's telecommunications authority.

Telcel disclosed little about what types of user information it collects (P3), shares (P4), and its reasons for doing so (P5). Like

most of its peers, Telcel disclosed nothing about its policies for retaining user information (P6), although no law prohibits the company from doing so. It disclosed little about options users have to control what information is collected, including for targeted advertising (P7).

While Telcel provided some information on its processes for securing user data, including limiting and monitoring employee access (P13), it failed to disclose any information about how it addresses security vulnerabilities, including if it offers a bug bounty program for security researchers to submit vulnerabilities (P14). Like most companies in the Index, Telcel disclosed nothing about its policies for addressing data breaches (P15). Companies in Mexico are legally required to notify users only if the data breach "significantly affects" their rights, however the company does not disclose this information to users.<sup>8</sup>

## Footnotes

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[1] The research period for the 2019 Index ran from January 13, 2018 to February 8, 2019. Policies that came into effect after February 8, 2019 were not evaluated in this Index.

[2] See América Móvil's performance in the 2018 Index: [rankingdigitalrights.org/index2018/companies/americanovil](https://rankingdigitalrights.org/index2018/companies/americanovil)

[3] "ACUERDO Mediante El Cual El Pleno Del Instituto Federal de Telecomunicaciones Expide Los Lineamientos de Colaboración En Materia de Seguridad Y Justicia Y Modifica El Plan Técnico Fundamental de Numeración, Publicado El 21 de Junio de 1996," (DOF - Diario Oficial de La Federación), [www.dof.gob.mx/nota\\_detalle.php?codigo=5418339&fecha=02/12/2015](http://www.dof.gob.mx/nota_detalle.php?codigo=5418339&fecha=02/12/2015)

[4] Bloomberg Markets, Accessed April 18, 2019, <https://www.bloomberg.com/quote/AMXL:MM>

[5] LEY FEDERAL DE TELECOMUNICACIONES Y RADIODIFUSIÓN, Última reforma publicada DOF 31-10-2017: [www.diputados.gob.mx/LeyesBiblio/pdf/LFTR\\_311017.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LFTR_311017.pdf)

[6] For most indicators in the Freedom of Expression and Privacy categories, RDR evaluates the operating company of the home market, in this case Telcel (Mexico).

[7] "Política de Uso Justo/¿En qué consiste?," Telcel, accessed March 21, 2019, [www.telcel.com/mundo\\_telcel/quienes-somos/corporativo/uso-justo](http://www.telcel.com/mundo_telcel/quienes-somos/corporativo/uso-justo)

[8] "Ley Federal de Protección de Datos Personales En Posesión de Los Particulares," Article 20 (2010), [www.diputados.gob.mx/LeyesBiblio/pdf/LFPDPPP.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LFPDPPP.pdf)