



# **RANKING DIGITAL RIGHTS**

## **Proposed revisions to the 2019 Corporate Accountability Index methodology (consultation draft)**

**July 2018**

**Feedback and comments about these methodology revisions  
should be sent by email to: [feedback@rankingdigitalrights.org](mailto:feedback@rankingdigitalrights.org).**

## Acknowledgments

The following Ranking Digital Rights team members participated in the research and drafting of these draft revisions to the 2019 Corporate Accountability Index methodology:

- Rebecca MacKinnon, Director
- Amy Brouillette, Senior Research and Editorial Manager
- Laura Reed, Senior Research Analyst and Coordinator
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For a full list of project staff:

<https://rankingdigitalrights.org/who/>

## About Ranking Digital Rights

Ranking Digital Rights (RDR) is a non-profit research initiative housed at New America's Open Technology Institute that works with an international network of partners to set global standards for how companies in the information and communications technology (ICT) sector should respect freedom of expression and privacy.

For a full list of project funders and partners: <https://rankingdigitalrights.org/who/partners/>.

For more about RDR and its Corporate Accountability Index: [www.rankingdigitalrights.org](http://www.rankingdigitalrights.org).

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## 2019 Corporate Accountability Index methodology: stakeholder consultation

This document contains draft revisions to the Ranking Digital Rights (RDR) Corporate Accountability Index methodology for public consultation and review. Feedback received will inform final revisions to the methodology that will be used to evaluate companies for the 2019 Corporate Accountability Index.

We encourage stakeholders from civil society, academia, the investor community, companies, and the public to review this document and the draft revisions it contains. Feedback and comments can be sent to our team by email by August 1, 2018 at: [feedback@rankingdigitalrights.org](mailto:feedback@rankingdigitalrights.org).

### About the Corporate Accountability Index

Ranking Digital Rights (RDR) produces a Corporate Accountability Index that ranks the world's most powerful internet, mobile, and telecommunications companies on their disclosed commitments and policies affecting users' freedom of expression and privacy. The Index is a standard-setting tool aimed at encouraging companies to abide by international human rights principles and standards for corporate respect of freedom of expression and privacy.

To view the 2018 Index findings and results: <https://rankingdigitalrights.org/index2018/>.

To read more about our methodology development: <https://rankingdigitalrights.org/methodology-development/>.

The 2018 Index methodology and research guidance can be downloaded here: <https://rankingdigitalrights.org/2018-indicators/>.

### About the draft methodology revisions

The Ranking Digital Rights Corporate Accountability Index has been developed as an annual ranking, and as such, RDR will continue to refine and improve the Index methodology in response to the fast-changing nature of the technology sector. We also plan to expand the Index by adding new companies to the 2019 Index, and we are exploring ways to add different types of companies and services to future iterations of the Index beyond 2019.

For the 2019 Index, RDR will introduce minor revisions to the methodology in order to preserve year-on-year comparability. The proposed changes are limited to two indicators in

the Governance category (Indicators G4 and G6), addressing company policies and practices regarding human rights risk assessments (Indicator G4), and company policies and practices for providing remedy to users who feel their human rights have been violated by the company (Indicator G6), respectively.

As presented in more detail below, the suggested additions to G4 are aimed at introducing baseline standards for identifying and managing human rights risks associated with companies' use of algorithms, artificial intelligence, and their targeted advertising policies and practices. The proposed revisions to Indicator G6 aim to strengthen and clarify our current evaluation of company grievance and remedy mechanisms and procedures.

Final revisions to these indicators will be based on feedback from stakeholders from civil society, academia, the investor community, and companies, as well on our team's internal review of the raw data from previous Indexes.

Feedback about the revised methodology should be sent by email by August 1, 2018, to: [feedback@rankingdigitalrights.org](mailto:feedback@rankingdigitalrights.org)

### **Managing risks associated with use of algorithms, artificial intelligence, and targeted advertising**

The Ranking Digital Rights Corporate Accountability Index currently contains one indicator, [G4](#), evaluating whether companies conduct human rights risk assessments, covering both freedom of expression and privacy, associated with their products and services, and when entering new markets. We expect companies to conduct such assessments regularly and to demonstrate that the outcome of these assessments are incorporated into the company's decision-making processes.

Indicator G4 currently contains nine elements, including one that assesses if companies evaluate freedom of expression and privacy risks associated with the processes and mechanisms used to enforce their terms of service.

Given the significant human rights risks posed by a company's use of algorithms and artificial intelligence, as well as targeted advertising, RDR proposes to expand this indicator to assess whether companies undertake impact assessments associated with these policies and practices.

The proposed new elements are [highlighted in blue, below](#).

## G4. Impact assessment

The company should conduct regular, comprehensive, and credible due diligence, such as **human rights impact assessments**, to identify how all aspects of its business affect freedom of expression and privacy and to mitigate any risks posed by those impacts.

### *Elements:*

1. As part of its decision-making, does the company consider how laws affect freedom of expression and privacy in jurisdictions where it operates?
2. Does the company regularly assess freedom of expression and privacy risks associated with existing products and services?
3. Does the company assess freedom of expression and privacy risks associated with a new activity, including the launch and/or acquisition of new products, services, or companies or entry into new markets?
4. Does the company assess freedom of expression and privacy risks associated with the processes and mechanisms used to enforce its terms of service?
5. Does the company assess freedom of expression and privacy risks associated with its use of algorithms?
6. Does the company assess freedom of expression and privacy risks associated with its use of artificial intelligence?
7. Does the company assess freedom of expression and privacy risks associated with its targeted advertising policies and practices?
8. Does the company conduct additional evaluation wherever the company's risk assessments identify concerns?
9. Do **senior executives** and/or members of the company's board of directors review and consider the results of assessments and due diligence in their decision-making?
10. Does the company conduct assessments on a regular schedule?
11. Are the company's assessments assured by an external third party?
12. Is the external third party that assures the assessment accredited to a relevant and reputable human rights standard by a credible organization?

## Improving the Index evaluation of company grievance and remedy policies and practices

The Index currently includes one indicator, [G6](#), evaluating company disclosure of their grievance and remedy mechanisms. Companies should have clear procedures in place enabling users to submit grievances if they feel their freedom of expression or privacy have been adversely affected or violated by the company's policies or practices. They should also have clear policies for providing remedy to human rights grievances. These standards are outlined in Principle 31 of the [UN Guiding Principles for Business and Human Rights](#), which states that businesses should provide accessible, predictable, and transparent grievance and remedy mechanisms to ensure that human rights abuses can be addressed and mitigated.

Indicator G6 currently has five elements addressing company disclosure of their grievance and remedy procedures. A review of raw data from the 2017 and 2018 Indexes showed a lack of clarity in what the Index currently evaluates in Elements 1, 2, and 3. Our review also showed that our current methodology could provide more clear benchmarks for companies seeking to improve their grievance and remedy procedures.

### **Indicator G6: Current Index methodology**

#### **G6. Remedy**

The company should have **grievance** and **remedy** mechanisms to address users' freedom of expression and privacy concerns.

#### *Elements*

1. Does the company **clearly disclose** its processes for receiving complaints?
2. Does the company **clearly disclose** that its process includes complaints related to freedom of expression and privacy?
3. Does the company **clearly disclose** its process for responding to complaints?
4. Does the company report on the number of complaints received related to freedom of expression and privacy?
5. Does the company provide clear evidence that it is responding to complaints?

## **Indicator G6: Draft revision**

Draft revisions to Indicator G6 are [highlighted in blue, below](#).

### **G6. Remedy**

The company should clearly disclose **grievance** and **remedy** mechanisms to address users' freedom of expression and privacy concerns.

#### *Elements*

1. Does the company **clearly disclose** a grievance mechanism enabling users to submit complaints if they feel their freedom of expression or privacy have been adversely affected by the company's policies or practices?

**Explanation of revision:** The element drafted above combines Element 1 and Element 2 from the current methodology into one element focused on evaluating company disclosure of their grievance mechanism pertaining to freedom of expression or privacy. This proposed revision clarifies the focus of the evaluation on company disclosure of whether they provide clear grievance mechanisms enabling users to submit complaints if they feel that their freedom of expression or privacy has been violated by the company's policies or practices.

2. Does the company **clearly disclose** its procedures for providing remedy for freedom of expression- or privacy-related grievances?

**Explanation of proposed revision:** This draft element above puts the focus more on evaluating whether companies clearly disclose their procedures for providing *remedy* for human rights-related grievances, as opposed to disclosing their processes for *responding* to grievances, as outlined in Element 3 of the current Index methodology. This proposed revision represents a slightly higher standard than our current methodology. However the revision brings the assessment more in line with standards outlined by Principle 31 of the [UN Guiding Principles on Business and Human Rights](#), which states that businesses should publish clear and predictable procedures for providing remedy.

3. Does the company **clearly disclose** a timeframe for providing remedy for freedom of expression or privacy-related grievances?

**Explanation of proposed revision:** This draft element also aligns with Principle 31 of the [UN Guiding Principles on Business and Human Rights](#), which states that businesses should provide a clear time frame for providing remedy for human rights related grievances.



4. Does the company report on the number of complaints received related to freedom of expression and privacy?

***Proposed revision:*** None.

5. Does the company **clearly disclose** evidence that it is providing remedy for freedom of expression and privacy grievances?

***Explanation of proposed revision:*** For consistency with draft Element 2 (see above), RDR suggests revising Element 5 to focus on whether companies provide clear evidence it is providing *remedy* to human rights grievances, as opposed to just providing evidence it is responding to these types of complaints.