



People



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Possibilities

AT&T's Commitment to Freedom of Expression and Privacy

Second Report on Implementation of the Telecommunications Industry Dialogue's Guiding Principles

January 2017

AT&T is committed to respecting human rights. We believe that the freedom to access information, the freedom to communicate and the respect for personal privacy are essential to the advancement of human potential. At a most basic level, the infrastructure we build and operate is part of a global platform which enables the ability to connect and communicate.

AT&T has nearly 140 million mobile subscribers in the United States and Mexico, and our 4G LTE network covers nearly 365 million people in these countries. We are the world's largest provider of pay TV, with customers in the United States and 11 Latin American countries. Through our services and platforms, we make it possible for our users to hold and share opinions freely, to seek out the ideas of others and to communicate their own. This exchange of information and ideas is at the very core of what we do as a company.

We are also an employer in and an active member of the many different communities in which we do business. Information about the ways in which we work to improve our communities can be found in our periodic sustainability [reports and updates](#).¹ A standout in this area is the [Escuela+](#) program, which works across eight Latin American countries to provide schools with digital technology, educational content and teacher training and has reached over a million students since its inception in 2007.

Since 2013, AT&T has been actively working as a member of the [Telecommunications Industry Dialogue for Freedom of Expression and Privacy](#). As contemplated by the Industry Dialogue's [Guiding Principles](#), we offer the following report on the work we have done to implement the principles.

¹ Our [Annual Sustainability Update](#) describes other ways we work to advance human rights and improve our communities.



PRINCIPLE 1: Create relevant policies, with Board oversight or equivalent, outlining commitment to prevent, assess and mitigate to the best of their ability the risks to freedom of expression and privacy associated with designing, selling and operating telecommunications technology and telecommunications services.

AT&T's [Human Rights in Communications Policy](#) has been in effect since 2010. Before its release, it was approved by senior executives and presented to the [Public Policy and Corporate Reputation Committee](#) of the AT&T Board.

The Policy sets out our commitment to respect human rights, affirming that the freedom to access information, the freedom to communicate and the respect for personal privacy are essential to the advancement of human potential. It also refers to our [Code of Business Conduct](#), our [Principles of Conduct for Suppliers](#) and our [Privacy Policy](#), each of which relates to issues covered in our Human Rights Policy.

AT&T's Senior Vice President for Corporate Responsibility and Chief Sustainability Officer, our Chief Privacy Officer and our Senior Vice President of Global Public Policy have responsibility for different aspects of privacy and freedom of expression relating to our products and services. The Public Policy and Corporate Reputation Committee of the AT&T Board oversees all citizenship and sustainability issues, including those relating to freedom of expression and privacy. The Chief Sustainability Officer reports to the committee three times per year to provide updates and receive input on the direction of sustainability work within AT&T.

Our Chief Sustainability Officer regularly convenes the Citizenship and Sustainability Steering committee, comprised of senior executives and officers from across the company who are responsible for the business areas most linked to our sustainability priorities, including freedom of expression and privacy.

PRINCIPLE 2: Conduct regular human rights impact assessments and use due diligence processes, as appropriate to the company, to identify, mitigate and manage risks to freedom of expression and privacy – whether in relation to particular technologies, products, services or countries – in accordance with the Guiding Principles for the Implementation of the UN 'Protect, Respect and Remedy' framework.

AT&T identifies, mitigates and manages potential risks to freedom of expression and privacy in connection with our products, services and technologies through implementation and management of our Code of Business Conduct, Principles of Conduct for Suppliers and Privacy Policy. As noted above, each of these policies relates to issues covered in our Human Rights Policy. These policies apply to our domestic and international operations (We have separate privacy policies for some countries in which we operate outside the United States).



Our Privacy Policy provides customers with detailed information about how AT&T collects, uses and protects the personal information of our customers. It also includes an [email address](#) where customers can submit questions or complaints about our policy and practices.²

Until 2015, outside of the United States, AT&T primarily served large enterprise customers, rather than the retail, consumer market. Given the limited impact on user privacy or freedom of expression associated with our international, enterprise services, we have not previously conducted a formal human rights impact assessment.

We revisited this question after our acquisition in 2015 of two wireless operators in Mexico. In the wake of entering the consumer market in Mexico, we retained an external nonprofit consulting group with deep experience in developing sustainable business strategies to conduct a broad-ranging human rights impact assessment of our new wireless operations.

This assessment involves consultations with civil society organizations and other stakeholders, and it will analyze the potential impacts of our Mexican operations across a variety of human rights, including our customers' freedom of expression and privacy. Once the assessment is complete, we will review it carefully for lessons about how we may be able to improve our operations' respect for freedom of expression and privacy, as well as the numerous other human rights surveyed.

During 2015, AT&T also expanded its international operations through the acquisition of DIRECTV. DIRECTV has operations across Latin America where it provides satellite television service and, in some locations, broadband connectivity. We recently conducted a privacy and data protection self-assessment of both DIRECTV and our Mexican wireless operations, and we are currently using the outcome of these assessments to strengthen our processes and mitigate our risks. Relatedly, our [Transparency Report](#) includes the numbers of law enforcement requests for content (IP/URL) blocking and customer information that we have received in these markets.

PRINCIPLE 3: Create operational processes and routines to evaluate and handle government requests that may have an impact on freedom of expression and privacy.

Government requests for information about our customers, or to block content on our networks, are evaluated by employees (including AT&T lawyers and, where necessary, local counsel familiar with applicable law) who are trained to confirm any such requests are duly issued by an appropriate entity, under valid legal authority and are otherwise in compliance with applicable requirements. We reject government demands that do not satisfy these requirements and, where appropriate, we will seek clarification or modification of a request, or object to a government demand or court order in the appropriate forum. These efforts help minimize the potential impact that government requests may have on individuals' privacy and their ability to communicate and access information of their choice.

² A [similar address](#) is available for our customers in Mexico.



Beyond our policies and procedures related to government requests for customer information, AT&T has robust commitments for how we manage the information of everyone who has a relationship with us – including customers of our various services and visitors to our website. These commitments are set out in the relevant [Privacy Policy](#) and [Terms of Service](#).

U.S. Operations: We do not receive content-blocking requests from governmental entities in the United States that would affect our users' freedom of expression rights. Nor do we respond to requests from private parties to block content or to provide customer information, apart from duly issued subpoenas in civil proceedings.

International Operations: Outside of the U.S., AT&T responds only to government requests that have come through appropriate legal channels. As our Transparency Report discusses, we block access to content, or provide customer information, only in response to "[civil and criminal legal demands](#) originating outside the U.S. and related to AT&T's operations in foreign countries." Were we to receive blocking or customer-information requests from private parties, we would take no action in response.

PRINCIPLE 4: Adopt, where feasible, strategies to anticipate, respond and minimize the potential impact on freedom of expression and privacy in the event that a government demand or request is received that is unlawful or where governments are believed to be misusing products or technology for illegitimate purposes.

As noted in connection with Principle 3, government requests are reviewed for compliance with applicable legal requirements. Where appropriate, AT&T will also seek clarification or modification of a request or object to a government demand or court order in the appropriate forum.

Through our Global Public Policy and International External and Regulatory Affairs groups, AT&T maintains relationships with the U.S. State Department, various industry associations, civil society groups and numerous national governments. We also regularly participate in the [Internet Governance Forum](#), which provides a venue for raising freedom of expression and privacy issues. Finally, through the ongoing work of the Industry Dialogue, we have participated in outreach to government institutions and other stakeholders focused on privacy and freedom of expression.

Case example: AT&T received a request from local law enforcement authorities of a foreign country that sought personal information of a U.S. customer. We referred the authorities to the Mutual Legal Assistance Treaty (MLAT) in force between the United States and that country and indicated that the information would only be provided in response to a valid request submitted through the MLAT process.

For the past year, companies participating in the Industry Dialogue have shared good practices and challenges around communications network shutdowns, and in July 2016 the group jointly issued a [statement](#) on the issue with the Global Network Initiative.

Relatedly, if AT&T were to receive an order to shut down or restrict access to communications networks or services, it would be disclosed in our Transparency Report, consistent with the requirements of applicable licenses and local laws.



PRINCIPLE 5: Always seek to ensure the safety and liberty of company personnel who may be placed at risk.

AT&T's [Code of Business Conduct](#) sets out our commitment to employee safety.

AT&T Asset Protection monitors world events through numerous intelligence sources. Based on this information, Asset Protection takes a variety of measures to ensure employee safety, up to and including coordinating evacuations where necessary.

PRINCIPLE 6: Raise awareness and train relevant employees in related policies and processes.

AT&T's [Privacy Policy](#) provides detailed information about the customer information we collect, and how we collect, store and use that information. Employees are required to complete compliance training, including privacy and data protection requirements, on a yearly basis.

AT&T's Code of Business Conduct addresses company and individual employee commitments to protect the privacy of sensitive customer information and to comply with applicable laws and regulations of the countries where we operate. All AT&T employees are trained on, and must acknowledge, the Code of Business Conduct on an annual basis; company officers receive in-person training on the Code.

Finally, our Human Rights in Communications Policy is available to all employees on our [Sustainability website](#).

PRINCIPLE 7: Share knowledge and insights, where relevant, with all relevant and interested stakeholders to improve understanding of the applicable legal framework and the effectiveness of these principles in practice, and to provide support for the implementation and further development of the principles.

AT&T engages with stakeholders through a broad variety of channels. Along with other communications companies and equipment manufacturers, we have participated actively in the [Telecommunications Industry Dialogue on Freedom of Expression and Privacy](#). The member companies work to share learning and perspectives on issues relating to freedom of expression and privacy. The group also convenes regular discussions with civil society organizations, government representatives and socially responsible investors. More complete information on the scope of the Industry Dialogue's stakeholder work is available in the group's [annual reports](#). Of particular interest in this area, the I.D. has assembled reports on the [legal frameworks](#) of 44 countries relating to government powers to access communications data and to restrict the content of communications.



For AT&T's part, we engage regularly, through numerous channels, with non-governmental organizations and think tanks working in this area, including the [Center for Democracy and Technology](#), the [Future of Privacy Forum](#), [Freedom House](#), [Access Now](#), the [Global Network Initiative](#) and [New America](#). We participate in the [Freedom Online Coalition](#) as members of Working Group 2 on Digital Development and Openness. We also speak frequently with representatives of socially responsible investors, particularly about privacy issues.

We provide information relevant to freedom of expression and privacy through the relevant sections of our [Citizenship and Sustainability Report](#) and, particularly, through our semiannual [Transparency Report](#).

PRINCIPLE 8: Report externally on an annual basis, and whenever circumstances make it relevant, on their progress in implementing the principles, and on major events occurring in this regard.

This report is our second comprehensive statement on implementation of the Industry Dialogue's guiding principles. As noted above, we also report regularly on issues of privacy and freedom of expression through our [Citizenship and Sustainability Report](#) and our [Transparency Report](#).

PRINCIPLE 9: Help to inform the development of policy and regulations to support freedom of expression and privacy including, alone or in cooperation with other entities, using its leverage to seek to mitigate potential negative impacts from policies or

Through our various government relations groups, our Federal Regulatory Group, our Global Public Policy Group and our International External and Regulatory Affairs Group, we interact with policy makers, both in the United States and internationally, on a broad range of issues that touch on freedom of expression and privacy. As an active participant in the [Digital Due Process Coalition](#), we work with other companies, privacy advocates and think tanks to advocate for the simplification, clarification, and unification of the legal standards in the Electronic Communications Privacy Act, while preserving the tools necessary for government agencies to enforce the laws, respond to emergencies and protect the public.

We have also filed amicus briefs in two landmark cases – the [Microsoft Ireland case](#) and the [Apple encryption litigation](#) – setting out our position on over-arching policy issues relating to the privacy of our customers' communications and data. Additionally, the Industry Dialogue filed [comments with the Australian government](#) regarding proposed guidelines for government exercise of statutory authority to block websites.



Case example: Participating as an amicus curiae, AT&T has advocated for the privacy rights of its customers in two recent cases examining the scope of U.S. authorities' power to obtain communications data. In the Microsoft case before the U.S. Court of Appeals for the Second Circuit, we argued that in order to compel the production of user data stored outside of the United States, the U.S. government should be required to demonstrate a substantial nexus between the United States and the data sought. Furthermore, if the information is stored in a country that has a Mutual Legal Assistance Treaty (MLAT) with the United States, the government ordinarily should be required to rely on MLAT procedures to obtain the information.

In the Apple encryption case, AT&T argued that Apple should not be compelled, under the All Writs Act, to pursue evidence from its customer's iPhone. Instead, we asserted that Congress should craft rules that apply equally to all types of information and technology companies, and balance the interests at stake in an open, transparent and accountable way.

PRINCIPLE 10: Examine, as a group, options for implementing relevant grievance mechanisms, as outlined in Principle 31 of the UN Guiding Principles for Business and Human Rights.

Industry Dialogue companies have worked among themselves and shared individual companies' experiences with implementing grievance mechanisms. The group has also reviewed external scholarship on the issue and examined practices in other industry sectors, with an eye to how those practices might be relevant to members' operations. The Industry Dialogue's most recent [annual report](#) provides additional information about the group's work on this issue.

We also have various AT&T-specific resources that respond to the UNGP's call for grievance mechanisms. As noted above, AT&T has established an [email address](#), which our customers (including those in [Mexico](#)) can use to submit questions or complaints about our Privacy Policy or our handling of their personal information. AT&T's [Terms of Service](#) also set out a process by which our customers can raise, and seek resolution of, disputes arising out of any aspect of their relationship with us – including those relating to freedom of expression or privacy. Options range from submitting complaints to our customer service representatives to requesting binding arbitration. Our Terms of Service also provide information about how AT&T will proceed and what it will pay for in connection with arbitration. Finally, AT&T also receives complaints related to privacy and freedom of expression through its regular interaction with civil society organizations.