



1 November 2016

Dear Professor Kaye,

Yahoo was founded on the principle that promoting access to information can improve people's lives and enhance their relationship with the world around them. Today it is clear that technology has transformed how we live, work and interact with one another. It's also clear that as a global company, our products, technology and operating footprint have the potential to intersect with important human rights issues around the world. We take our role in safeguarding and promoting these rights, including freedom of expression, very seriously. This is why we've made a public commitment to put our [users first](#) and work hard to deliver on that commitment every day.

In 2008 Yahoo created a dedicated Business & Human Rights Program (BHRP). The BHRP, which was the first of its kind in our industry, helps to integrate attention to the internationally recognized principles of privacy and freedom of expression into the decision-making processes that support our business operations. Our BHRP leads Yahoo's efforts to make responsible business decisions to protect and promote the principles of free expression and privacy and to actively engage on these important issues.

One way we do this is by conducting Human Rights Impact Assessments (HRIA) to identify circumstances when freedom of expression and privacy may be jeopardized or advanced. In addition to conducting HRIAs before entering new markets or offering a product in a new area or language, we also conduct HRIAs of existing products and internal policies, including our Terms of Service. Yahoo conducts long-form HRIAs for more complex questions and short-form HRIAs for specific, targeted questions.

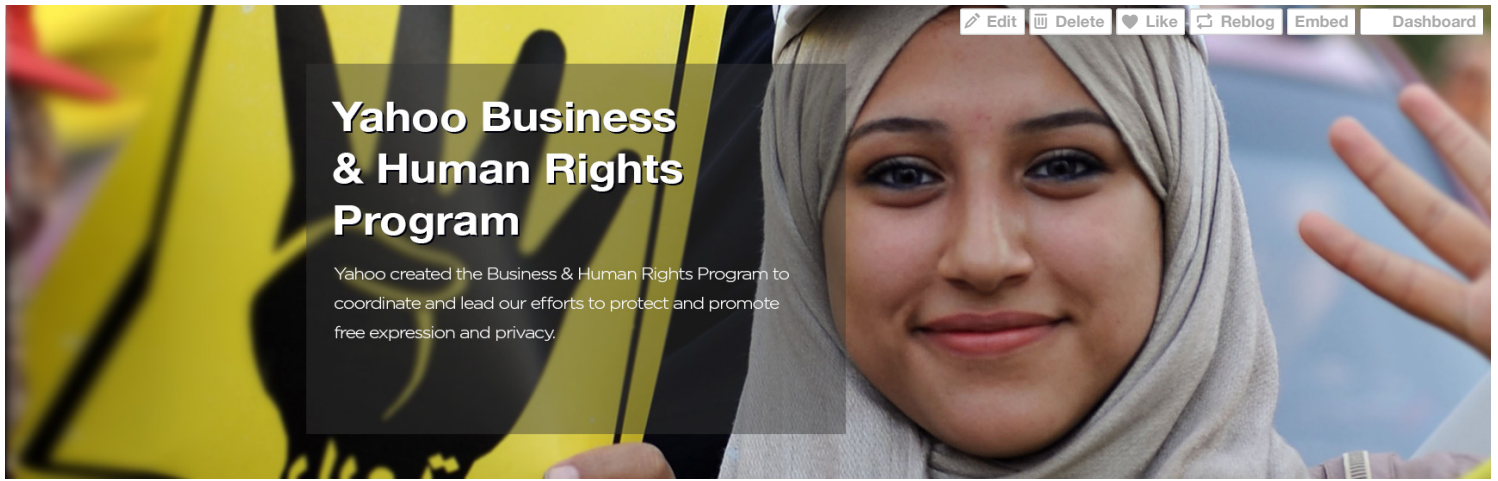
We are pleased to share more information about Yahoo's business and human rights program, and its HRIA process, with this submission. More information is also available on our website ([www.yahooobhrp.tumblr.com](http://www.yahooobhrp.tumblr.com)).

We thank you for taking the time to engage these important issues and would welcome the opportunity to meet with you to discuss our approach further.

Sincerely,

A handwritten signature in black ink that reads "Nicole Karlebach". The signature is written in a cursive, flowing style.

Nicole Karlebach  
Senior Legal Counsel, Business & Human Rights



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# Yahoo Business & Human Rights Program

Yahoo created the Business & Human Rights Program to coordinate and lead our efforts to protect and promote free expression and privacy.

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## Yahoo Business & Human Rights Program

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It's no secret that there are governments around the world who don't live up to widely recognized standards for protecting the free expression and privacy rights of their own citizens. While the root causes of these threats clearly lie with those governments, we also know that we, like all companies, have important human rights obligations. Yahoo has formally established a dedicated Business & Human Rights Program (BHRP) in order to lead our efforts to make responsible decisions in the areas of free expression and privacy. The BHRP represents another step forward in our commitment to human rights, and our effectiveness depends on the following pillars:

### **Executive Commitment**

The BHRP depends upon our executive team's clear and visible commitment to human rights.

### **Dedicated Team**

A dedicated team leads the BHRP:



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**Nicole Karlebach | Senior Legal Counsel, Yahoo Business & Human Rights Program**

Nicole Karlebach is Yahoo’s Senior Legal Counsel, Business & Human Rights, leading and executing Yahoo’s efforts to promote privacy and free expression on the Internet and to identify innovative solutions to human rights challenges. Prior to joining Yahoo, Nicole worked as an attorney at Schulte Roth & Zabel LLP in New York, as an international policy fellow at Human Rights First examining issues of business and human rights and national security law and policy and as a human rights consultant to the UN Office of the High Commissioner for Human Rights and the Special Rapporteur on trafficking in persons. Nicole has also worked at the UN in the Office of the Legal Counsel and at the State Court of Bosnia and Herzegovina in the Special Department for War Crimes in Sarajevo.

Nicole received her LL.M. in International Legal Studies from New York University School of Law, her J.D. from Boston College Law School and her B.A., *magna cum laude*, in Politics and Sociology from Brandeis University.



**Katie Shay | Legal Counsel, Yahoo Business & Human Rights Program**

Katie manages and executes Yahoo’s initiatives to promote privacy and free expression on the Internet and to identify innovative solutions to human rights challenges. Prior to joining Yahoo, Katie was the Legal and Policy Coordinator at the International Corporate Accountability Roundtable (“ICAR”), where she led policy development and rights-based advocacy initiatives in the area of business & human rights, particularly focused on access to effective remedies for victims of human rights violations. Prior to ICAR, Katie worked at EarthRights International; the law firm of Meyer, Glitzenstein and Crystal; and the Brady Center to Prevent Gun Violence. She currently serves as Vice-Chair of the American Bar Association International Human Rights Committee.

Katie received her B.A. from Marquette University and her J.D. from the Georgetown University Law Center.



**Laura Juanes Micas | Assistant General Counsel, International Privacy & Human Rights**

Laura Juanes serves as Assistant GC, International Privacy & Human Rights, in Yahoo's Public Policy Group. She oversees the core BHRP team and the public policy team's efforts on international privacy. Before joining the Public Policy function, Laura held different positions within Yahoo's legal division, both in Yahoo Spain as a General Counsel, and in the Americas as a Legal Compliance Director, where she dealt with law enforcement compliance, privacy and data protection, liability of ISP intermediaries, and e-commerce issues. Through these roles, Laura has built experience with the substantive issues, policies, and practices that are integral to the BHRP's work. Prior to joining Yahoo, Laura, a Spanish qualified lawyer, began her legal practice at the legal services of the Universidad Autónoma de Madrid, where she graduated.

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### ***Cross-Functional Team***

The BHRP has created a virtual, cross functional team in order to draw upon the expertise of Yahoo employees across the company to continue its centralized leadership on global strategy, industry initiatives, business decision-making, and internal and external stakeholder engagement. The virtual team is comprised of senior-level employees in product, law enforcement, security, public affairs, corporate affairs, investor relations and global policy. The virtual team also includes employees in different geographies, including Asia, Europe, Latin America and the Middle East.

### ***Guiding Principles and Operational Guidelines***

We're committed to the international foundations of freedom of expression and privacy, and have translated those principles into practical steps to be followed by our employees. Past and upcoming projects include employee engagement events around the globe, and targeted employee training on human rights policies and procedures.

### ***Human Rights Touch-Point Inventory + Clearinghouse***

We are constantly reviewing where our business intersects with potential human rights issues and ensuring that potential issues are routed to the right teams.

### ***Human Rights Impact Assessments***

We're committed to exploring risks to freedom of expression and privacy in challenging markets, engaging with external stakeholders, and designing risk mitigation strategies. To learn more about how we conduct HRIAs, click [here](#).

### ***Internal and External Stakeholder Engagement***

As an Internet company, Yahoo recognizes that we have a responsibility to promote free expression and privacy, and that we have an opportunity to use our platform to foster an exchange of ideas about how companies, government, NGOs, responsible investors, users and other stakeholders can work together to address the complex issues that lie at the intersection of technology and human rights. Since 2009, the Yahoo Business & Human Rights Program has hosted an annual Business & Human Rights Summit. To learn more about our Summits, please see [here](#). In 2012, we launched the **Change Your World Series**, regional events focused on how women are using social media, digital media, technology and the Internet to change their worlds. To date, events have been held in Cairo and Washington, DC. Change Your World Mexico City will take place in September 2012.

We recognize that our users are important stakeholders, and we engage directly with them through this site. We also maintain our strong relationships with industry peers, human rights groups, academics, and governments, including our own State Department. The GNI is another way we stay connected; for more about the GNI, please see [here](#).

### ***Accountability Framework***

As a member of the GNI, we have worked with the other stakeholders to develop an effective system to assess our own performance in meeting our overall goals and our operational steps relating to human rights issues. As part of Yahoo's commitment to the

**GNI Principles** and Implementation **Guidelines**, we agreed to be assessed by a third-

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party assessor on the policies and procedures we have in place to support our commitments. In 2010, pursuant to the GNI Governance, Accountability and Learning Framework, we provided a report to the GNI on our progress towards creating and adopting internal policies and procedures necessary to implement the Principles. In 2011, an independent assessment of Yahoo! was conducted by KPMG AG of the policies, processes, and procedures in place to implement the GNI Principles. To learn more about the assessment, see [here](#). In 2013, an independent assessment was conducted by KPMG AG. The assessment reviewed company process, as well as company responses to specific government demands implicating freedom of expression or privacy in order to determine company compliance and identify whether our policies and procedures work in practice. In **January 2014**, the GNI released a **public report** on the independent assessment that determined that Yahoo is making good faith efforts to implement GNI's Principles on Freedom of Expression and Privacy. Yahoo is currently undergoing the 2015 assessment, also conducted by KPMG AG. Our most recent independent assessment was conducted in 2015 by KPMG AG. The assessment reviewed company process, as well as company responses to specific government demands implicating freedom of expression or privacy in order to determine company compliance and identify whether our policies and procedures work in practice. In **July 2016**, the GNI published a **public report** on the independent assessment that determined that Yahoo is making good faith efforts to implement GNI's Principles on Freedom of Expression and Privacy.

# Yahoo Business & Human Rights Program

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## OUR INITIATIVES



### Human Rights Impact Assessments

Yahoo has publicly committed to conducting human rights impact assessments in order to understand and address the human rights implications of our business decisions.

#### What are HRIA?

Yahoo conducts Human Rights Impact Assessments (HRIA) to identify circumstances when freedom of expression and privacy may be jeopardized or advanced. Yahoo conducts short-form HRIAs for specific, targeted questions. Where Yahoo identifies significant risks to users' free expression and/or privacy, however, it undertakes a long-form assessment. The long-form HRIA provides a comprehensive background on the business plans, human rights issues, potential risk mitigation strategies, and other relevant information.

#### When do we conduct HRIA?

There are a variety of circumstances that trigger an HRIA, including:

- Entry into new markets
- Launch of new products or services that may impact users' rights to privacy or free expression
- Review and revision of internal procedures for responding to government demands for user data or content restrictions in existing markets
- Data storage decisions
- Review of the free expression and privacy-related policies, procedures and activities of potential partners, investments, suppliers and other third-parties.

#### How do we conduct HRIA?



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The HRIA is the starting point for our ongoing review of the human rights landscape... Yahoo's business plans. It also informs our evolving strategies to promote and protect our users' rights to free expression and privacy. When we conduct an HRIA, we review a number of factors, including:

- The international legal and moral foundations for the rights to freedom of expression and privacy.
- The general human rights landscape in the relevant country or region, with a particular focus on rule of law, free expression and privacy.
- Local laws about free expression and privacy
- Yahoo's business and product plans for entry into the market.
- The existing and potential benefits of the Internet to the citizens of the relevant region or country.

Based upon what we learn, we identify potential human rights risks and formulate risk scenarios based on Yahoo's products and operations. We then make recommendations to avoid or mitigate those risks, and to protect our users and promote human rights with our products and on our platforms.

As part of the HRIA process we also consult with a variety of local and regional experts, including GNI participants, government agencies, human rights organizations, academics, journalists and social media experts.

**How does this work in practice?**

When Yahoo was considering if and how to engage in Vietnam, we conducted a human rights impact assessment. We reviewed a variety of sources, including reports from the following sources:

- Amnesty International
- Committee to Protect Journalists
- Economist Intelligence Unit
- Human Rights Watch
- Office of the US Trade Representative
- Reporters Without Borders
- The Congressional Record
- University of Minnesota Human Rights Library
- US Department of State

We met with multiple stakeholders, from bloggers to government officials to human rights activists to journalists, both in Vietnam and outside of the country. The research and the conversations helped us to identify both the human rights opportunity (i.e., while traditional forms of media were heavily censored, expression was much less restricted online, and political expression in online spaces was much more robust) and the human rights risk (there remained a high risk related to government requests for user information or for censorship).

All of the foregoing helped us to tailor our business operations to be as consistent as possible with our corporate human rights commitments. We decided to manage and operate our Vietnamese language services out of Singapore so the services would be governed by laws with stronger protections than those in Vietnam.

The HRIA also informed our choices about legal structures, internal policies, user terms of service, data access policies and data location, which were all tailored to protect users and employees. When issues or questions arise related to such things as the enforcement of our terms of service, we may refer to our HRIAs, which contain information on high-level principles and guidelines, as well as guidance for decision-making

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