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April 10, 2018

Dear Sirs,

This letter is to update you regarding Citizen Lab's ongoing research into the international deployment of Netsweeper filtering technologies -- part of our continuing research into information controls that impact human rights worldwide. After extensive technical testing, we have documented Netsweeper installations on public IP networks in a number of countries where government entities are known to conduct digital censorship and/or surveillance in violation of internationally-recognized human rights. This letter provides an overview of our findings, and raises questions to which we would appreciate your considered response.

For your information, Citizen Lab plans to publish a report reflecting our findings no sooner than April 23, 2018. As a matter of best practice, we will publish any response you would like to provide to this letter in its entirety alongside that report. Additionally, as is our usual practice, we will share an embargoed copy of the report with journalists, including the CBC, prior to the public release date to inform their reporting. They may reach out to you for comment.

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In conducting our research for this report, Citizen Lab used a combination of publicly available IP scanning and network measurement data with additional measurement tests to identify Netsweeper devices in 30 countries. We then used additional data points associated with these devices to narrow our list to those devices that appear to be filtering content for national-level, consumer-facing ISPs in countries of interest. Those countries -- Afghanistan, Bahrain, India, Kuwait, Pakistan, Qatar, Somalia, UAE, and Yemen -- were prioritized in this report because of their inconsistent, problematic, and/or inadequate human rights records in relation to widely recognized global standards. Specifically, we found Netsweeper technology is being used to censor access to a wide range of digital content protected by international legal frameworks, including media websites in Yemen, religious content in Bahrain, and political campaigns in the United Arab Emirates, among others.

Additionally, our data collection identified a pattern of mischaracterization and/or overbreadth involving the use of Netsweeper's systems, which may have serious human rights implications, including:

- Blocking Google searches for keywords related to LGBT identities such as "gay" and "lesbian" in the UAE, Bahrain, and Yemen.
- Blocking a variety of non-pornographic websites in various countries on the basis of an apparent miscategorization of these sites as 'Pornography', including the websites of the World Health Organization, the Christian Science Monitor, the World Union for Progress Judaism, the Center for Health and Gender Equity, and Change Illinois.
- Blocking access to news reporting on the Rohingya refugee issue, as well as violence against Muslims, from Al Jazeera, The Telegraph, ABC News Australia, and the Express Tribune for users in India.
- Blocking a variety of Blogspot-hosted websites in Kuwait after categorizing them as 'Viruses'.
- Blocking a variety of websites that are not web proxies in various countries on the basis of an apparent miscategorization of these sites as 'Web Proxy', including the websites of Date.com, B'nai B'rith International, Gay.com (the Los Angeles LGBT Center), the World Jewish Congress, Feminist.org, Former Catholic, the Jewish Defense League, and TMZ.

We also raise issues with the nature of the categories delimited by Netsweeper for the purpose of filtering, including:

- The existence of an 'Alternative Lifestyles' category, which appears to have no other purpose beyond facilitating the blocking of non-pornographic LGBT content, including that offered by civil rights and advocacy organizations, HIV/AIDS prevention organizations, and LGBT media and cultural groups.

- The fact that Netsweeper can be configured to block access to websites from entire specified countries. Your company's documentation lists 'Countries' alongside other category groups. It is not clear what justifiable purpose this feature serves as it is based on the geographic origin of websites rather than website content. It is noteworthy in this respect that our prior reporting (see footnote 6 below) found that Netsweeper products were being used in Yemen to block the entire Israeli top-level domain (albeit with a "custom" category), which is in violation of international human rights law.

The international deployment of this Canadian-made filtering technology raises a number of concerns and questions:

1. How does Netsweeper account for its international human rights responsibilities (such as those detailed in the United Nations Guiding Principles on Business and Human Rights[1]) and/or Canadian *Charter* values to inform the company's business practices, especially when dealing with clients with significant track records of human rights abuse?
2. Does Netsweeper conduct due diligence on the political and social context of a country, including that country's human rights track record, when selling Netsweeper products and services to governments or national-level ISPs?
3. Has Netsweeper ever refused to sell its products and/or services to a government or national ISP based on the risk that its products may be misused?
4. What specific internal policies does Netsweeper have in place concerning corporate social responsibility and/or human rights due diligence? And if such internal policies exist, what measures does Netsweeper have in place to ensure compliance?
5. Does Netsweeper include in its contracts or terms of service any provisions regarding misuse of its products and/or human rights? Does Netsweeper inform clients what activities constitute misuse of its products? If so, what are the consequences for breach of these provisions?
6. What is the purpose of the 'Countries' category in Netsweeper's content categorization system, and does Netsweeper envision that there are any legitimate uses of this category for filtering at the level of consumer-facing ISPs?
7. What is the purpose of the 'Alternative Lifestyles' category, and does Netsweeper envision that there are any legitimate uses of this category for filtering at the level of consumer-facing ISPs?
8. Does Netsweeper periodically review its URL filtering database to ensure proper inclusion and/or categorization of websites in a manner consistent with international human rights law?

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[1] http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

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9. We note that Netsweeper maintains a partnership with the UK Counter Terrorism Internet Referral Unit (CTIRU), and that your company "has integrated the [CTIRU] list of URLs enabling our global community with unmatched protection against terrorist and extremist content."[2] What safeguards does Netsweeper maintain to ensure that its global blocking of content designated by a single government entity conforms with international human rights law? Is the list utilized by Netsweeper publicly available? Does Netsweeper disclose the UK-designated filtered content to its clients? Does Netsweeper incorporate any other government-supplied lists in its global URL filtering database?

10. Does Netsweeper provide any method for the public to alert the company to inappropriate content filtering, or to otherwise seek a remedy for misuse of Netsweeper products and services? What if any internal mechanisms are in place to handle such communications?

11. What guidance, if any, from the Canadian government or civil society would Netsweeper find beneficial in addressing rights-related risks associated with its products and services?

As you know, Citizen Lab has written extensively on Netsweeper technology and the human rights implications of your company's work, including in the following research publications:

- "West Censoring East: The Use of Western Technologies by Middle East Censors, 2010-2011" (March 2011, as part of the OpenNet Initiative)[3]
- "O Pakistan, We Stand on Guard for Thee" (June 2013)[4]
- "Internet Filtering in a Failed State: The Case of Netsweeper in Somalia" (February 2014)[5]
- "'Information Controls During Military Operations" (October 2015)[6]
- "Tender Confirmed, Rights at Risk: Verifying Netsweeper in Bahrain" (September 2016)[7]

As you also know, we have contacted Netsweeper multiple times over the years concerning our technical findings and with similar questions about your company's human rights practices.

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[2] https://www.netsweeper.com/products/counter-terrorism/

[3] https://opennet.net/west-censoring-east-the-use-western-technologies-middle-east-censors-2010-2011

[4] https://citizenlab.ca/2013/06/o-pakistan/

[5] https://citizenlab.ca/2014/02/internet-filtering-failed-state-case-netsweeper-somalia/

[6] https://citizenlab.ca/2015/10/information-controls-military-operations-yemen/

[7] https://citizenlab.ca/2016/09/tender-confirmed-rights-risk-verifying-netsweeper-bahrain/

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- On February 20, 2013, as part of our publicly issued report "O Pakistan, We Stand On Guard for Three: An Analysis of Canada-based Netsweeper's Role in Pakistan's Censorship Regime," we posed to you six open questions about your company's approach to corporate social responsibility, human rights, and your business practices overseas, similar to those set out earlier in this letter. We committed to publishing your replies to those questions in full. The questions can still be viewed in our online report.[8]

- On February 20, 2014, as part of our publicly issued report "Internet Filtering in a Failed State: The Case of Netsweeper in Somalia," we posed to you the same six open questions about your company's approach to corporate social responsibility, human rights, and business practices overseas. Once again, we committed to publishing your replies to those questions in full and the questions are still available in our online report.[9]

- On October 9, 2015, we sent you a letter inquiring about the use of your products in Yemen, which included nine similar questions about your company's approach to corporate social responsibility, human rights, and your business practices overseas. We committed to publishing your replies to these questions in full alongside our report. The letter, with enclosed questions, remains available online.[10]

- On September 8, 2016, we sent you a letter inquiring about the use of your products in Bahrain, which included the same nine questions. We again committed to publishing your replies in full. The letter remains available online.[11]

We have yet to receive a response to any of these queries and correspondence from your company.

Moreover, unlike many other companies operating in the ICT sector, Netsweeper has not to our knowledge publicly released its policies concerning corporate social responsibility or human rights. It is unfortunate that, despite undertaking commendable and socially beneficial efforts to curtail online criminal activity, such as the distribution of child pornography, Netsweeper has not yet complemented those efforts with broader rights-related transparency initiatives. As the research findings outlined herein concern serious and urgent matters of significant public importance and interest, we hope you will take this opportunity to clarify your company's stance on corporate social responsibility, due diligence, and the human rights impacts of your products

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[8] Supra (n 4).

[9] Supra (n 5).

[10] https://citizenlab.ca/wp-content/uploads/2015/10/Netsweeper_Oct2015.pdf

[11] https://citizenlab.ca/wp-content/uploads/2016/09/NS-Letter.pdf

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and services. We also welcome any response you may have at this time to our prior questions and communications.

Thank you in advance for your timely reply.

Sincerely,

Professor Ronald Deibert
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