



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

October 10, 2013

Dear Jermyn, Susan and David,

We write to inform you that the Electronic Frontier Foundation is today resigning its membership from the Global Network Initiative.

This was not an easy decision to make. EFF has been a member of GNI since its formation in 2008. We participated in the many months of delicate negotiations that led to its creation. We have benefited from and hopefully contributed to the atmosphere of knowledge sharing between companies, human rights organizations and academics that the GNI has facilitated.

However, we believe that the most important part of the GNI's work is the collaboration between its member companies—Yahoo, Microsoft, Google, Facebook, Evoca, Procera and Websense—and its member NGOs, investors and academics to provide an honest audit of privacy and free expression policies and implementation. Within confidential GNI discussions, human rights experts are expected to share with companies the challenges that vulnerable groups face worldwide. Likewise, companies are expected to be frank in how their systems can both protect users' rights and the limits they face in doing so. When GNI produces reports and commentary, all of its members should be able to stand by what is said.

While EFF has long had concerns about the ability of multi-stakeholder groups like GNI to take sufficiently prompt and forthright stances with regard to global privacy, freedom of expression and security concerns, the recent NSA revelations have demonstrated that there is a much deeper problem. It has become clear that affected companies are unable even to talk about secret orders they have received from the US government. We know that the same is true for other governments around the world. Documents publicized in the last few weeks related to NSA surveillance have highlighted just how dramatic government interference with Internet companies' security practices has been.

As a result, EFF no longer believes we can sign our name onto joint statements that rely on shared knowledge of the security of company products or their internal processes.

We know that many within the industry do not like or approve of such government interference, and GNI has, in statements, made it clear that member companies want permission from the US government to engage in greater transparency.

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However, until serious reforms of the US surveillance programs are in place, we no longer feel comfortable participating in the GNI process when we are not privy to the serious compromises GNI corporate members may be forced to make. Nor do we currently believe that audits of corporate practice, no matter how independent, will uncover the insecurities produced by the US government's—and potentially other governments'—behavior when operating clandestinely in the name of national security.

In the face of this, our preference is to work with companies directly and share what we know under our own name, with our own provisos. We will continue to share information and work closely with GNI and its member organizations. We understand that different organizations have different goals and missions, and that they obtain different benefits from GNI. We support other groups' wishes to continue to support the GNI process.

In 2006, trust between Internet corporations and human rights groups was at an all-time low. Yahoo had been caught handing over data to the Chinese government regarding a prominent journalist, Shi Tao, leading to his arrest and conviction. Google was censoring its Chinese search engine.

Thanks in great part to initiatives like the GNI, Internet companies have shown greater awareness of the risks of censorship and surveillance. Many major companies now publish transparency reports. GNI members expedite human rights cases on their own services. They have made great strides to be responsible and diligent custodians of human rights online, all without government regulation or mandates.

There is still much to do, however. GNI has an important role to play in advocating for global user rights. The forthcoming finalization of the third phase of GNI's corporate assessment process will require extensive discussion and cooperation. We hope EFF and GNI can continue to work together to protect Internet users' rights, no matter who might oppose them.

Best wishes,

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