Human Rights for Small and Medium Sized Technology Companies:
Transparency Reporting

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Publishing transparency reports is a best practice in the technology and telecommunications industries today. These reports enable companies to provide greater transparency and accountability to their users, policymakers, and other stakeholders, including researchers, data scientists, academics, and journalists. In the technology sector, transparency reports can cover a range of topics, including government requests for user data, content moderation, and safety issues that can occur when using services such as ridesharing. Reporting on these issues is important given that companies are responsible for managing a significant amount of user data and user expression, and also given that activities on several online platforms can have real offline consequences.

We recognize that smaller companies are often constrained in terms of resources and personnel. Below are eight important points companies should consider when developing a transparency report. They have been broken down according to whether they are essential for any company to have or whether they are expected of advanced, larger companies. In addition, there are a number of guidelines on how to develop granular and meaningful transparency reports, including the Santa Clara Principles on Transparency and Accountability in Content Moderation[1], the Ranking Digital Rights Corporate Accountability Index[2], and New America's Transparency Reporting Toolkit on Content Takedowns.[3]

Essential

1. **Ensure that reporting is regular and accessible**: Transparency reports should paint a continuous picture of how you are enforcing your policies and how the privacy and freedom of expression of yours users are being safeguarded and impacted when they use your services. As a result, your reports should be published along a regular timeline (e.g. quarterly or annually) and in a clear, accessible place on your platform. In addition, these reports should be easy to navigate and understand, especially for the average user. Furthermore, to ensure that your reports can be used by researchers, data scientists, and academics, you should ensure your reports are openly licensed and in a machine-readable format.

2. **Clearly categorize different requests**: Regardless of the subject of your transparency report, you should separately report on the different types of requests you have received or actions you have taken. For example, if you are reporting on government requests for user data, you should separately report on the number of requests you received under different legal orders. If you are reporting on content takedowns, you should separately report on different categories of removals, such as government requests for content removal, removals based on your own content policies, and intellectual property-based removals. This enables you to outline the breadth and volume of the requests you have received and the actions you have taken.

3. **Spotlight the impact of your appeals processes**: If you offer an appeals process for content moderation or other platform management, then you should use your transparency report to describe how many appeals you have received and how many pieces of content or accounts have subsequently been restored as a result of these appeals. Reporting in this area should also include data on how many pieces of content or accounts have been restored as a result of mistakes you proactively identified.

4. **Disclose data related to user notifications**: If you are publishing a transparency report on government requests for user data, then you should include data on three types of user notifications: (1) when a request was under seal (under legal protection of secrecy) and the user could not

be notified, (2) when a request was not under seal and the user was notified, and (3) when a request was not under seal and the user was not notified. This data is important for providing accountability around how your company manages user data and how your company provides adequate notice to your users, when it is legal.

5. **Consult with stakeholders**: Your understanding of meaningful transparency may differ from what your users, stakeholders, and policymakers consider meaningful transparency. As a result, when crafting, updating, or expanding your transparency reporting, you should consult with a range of stakeholders from diverse groups in order to ensure that the reports are useful and meaningful.

Advanced

6. **Outline how you have responded to external requests**: In order to provide transparency and accountability around how your company assesses and responds to external requests and how you enforce your policies, your transparency report should include data on how many total requests you received, how many you rejected (for example, for being invalid), and how many you accepted. Depending on what subject area you are reporting on, this can also include data on how many items or accounts were specified in requests you received, and how many items or accounts were eventually impacted.

7. **Report on government requests by country**: In order to demonstrate the geographic scope of requests your company is receiving, which governments are requesting user data, and which laws are being used to acquire user data or moderate free speech, you should specify how many of the requests received have originated from each country that has made such requests. If you are reporting on safety-related issues, such as instances of sexual violence or road safety like Uber currently does, publishing country or regional data is also recommended.

8. **Break down data based on product or service, and by content moderation method**: If your company offers multiple products or services then you should break down the data in your report according to these products and services. This can show how different products and users have been impacted by requests and actions, and enable comparisons of impact with other companies' services. Additionally, if your company uses automated tools, the data should then also be broken down by whether the content or account was detected using automated tools or through human flags.

Endnotes

1. https://santaclaraprinciples.org/
2. https://rankingdigitalrights.org/index2019/
3. https://www.newamerica.org/oti/reports/transparency-reporting-toolkit-content-takedown-reporting/