

Kcell Policy on Freedom of Expression in Telecommunications

Description

Kcell has adopted the principles stated in this Policy in order to define our own standards for respecting freedom of expression. These principles apply in the context of requests, demands and legislative initiatives by governments or national authorities relating to the surveillance of communications, including restrictions on access to networks and Internet websites, signals intelligence etc. In our day-to-day operations we expect Kcell employees to follow this Policy and apply its high standards consistently as part of our way of doing business. We will work towards the full adoption of these principles in all the operations in which Kcell has management control. We will also use our influence to promote the principles in other companies where Kcell has ownership interests.

1 Scope

This Policy defines Kcell's commitments in relation to requests, demands and legislative initiatives with potentially serious impacts on freedom of expression in telecommunications. Such requests, demands and legislative initiatives may relate to:

- a) targeted surveillance in exceptional cases;
- b) mass surveillance, where the authorities demand unrestricted real-time network access;
- c) shutdown of all or parts of a network;
- d) blocking or restricting access to specific services, Internet websites or content;
- e) blocking or restricting individual customers' access to services or networks;
- f) obligations to transmit mandatory communications issued by the government authorities;
or
- g) significant operational changes related to the above a)-f).

In this Policy, the blanket term "surveillance of communications" is used to cover all the activities a)-f) above.

2 Principles

Kcell does not engage in the politics of Kazakhstan. We do not comment on politics or make political statements when representing our company. However, Kcell does engage in dialogue regarding regulations that affect our business. Kcell has therefore adopted the following principles in relation to requests, demands and legislative initiatives with potentially serious impacts on freedom of expression in telecommunications. These principles apply to the extent that they do not place Kcell in violation of Kazakhstan laws and regulations, including license requirements and legal restrictions on disclosure.

1. We advocate clear and transparent legal provisions on proportionality and necessity for all government surveillance of communications. Vague, non-transparent and broadly conceived legal provisions are not appropriate when freedom of expression is at stake.



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Approved by
Kcell Board of Directors

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2. We argue that all government surveillance of communications should be conducted under the supervision of a court or some other independent body. This will help to ensure transparency and accountability in relation to requests and demands made by governments.
3. In principle, we are of the view that telecom operators shall have operational and technical control over their network assets and that governments or other outside agencies should not have direct and un-supervised access to networks.
4. We will encourage governments to be transparent about their use and scope of surveillance of communications. We will report transparently on Kcell's efforts in relation to surveillance of communications. We will inform stakeholders about surveillance of communications whenever this is appropriate and legally permissible.
5. We will actively seek to provide products and services that can contribute to our customers' freedom of expression.
6. We will always strive to act in the best interest of our customers and the company. Risks relating to freedom of expression are integrated into our risk management processes.
7. We will comply with requests and demands relating to the surveillance of communications only to the extent required by law, including binding regulations and license requirements. We will also argue that all such requests and demands are submitted in writing and are signed by the appropriate government official.
8. We will enhance internal decision-making so as to efficiently determine whether a request, demand or legislative initiative could be in conflict with international standards of human rights because of serious impacts on freedom of expression. Where such impacts seem to exist, we will pursue all available lawful and feasible measures to minimize any negative impacts on freedom of expression. If in doubt, we will always treat requests, demands and legislative initiatives as potentially having serious impacts on freedom of expression.
9. We will define clear criteria, processes and responsibilities for assessing and determining the likelihood and seriousness of impacts on freedom of expression whenever we receive requests or demands, or become aware legislative initiatives, relating to the surveillance of communications. We will provide guidance for the relevant personnel explaining how they should interpret and react to such requests, demands and legislative initiatives. We will also conduct training on such issues for staff within key functions and for our technical specialists. We will prioritize awareness-raising and training in national contexts where risks to freedom of expression are greatest. These criteria, guidance and training processes will be regularly reviewed.
10. We will always prioritize the safety and liberty of company personnel who may be placed at risk when applying this Policy.
11. We will engage actively with other companies to share our experiences and identify best practices in our field, also utilizing guidance from the UN, the EU and other supranational organizations. We will also strive to provide accessible, secure and independent grievance mechanisms.



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12. We will issue an Instruction on how to implement this Policy and how to handle requests and demands in relation to surveillance of communications.

3 Compliance and handling of infringements

Kcell will ensure that sufficient organizational resources are allocated to ensure the proper implementation of this Policy. Corrective measures will be taken when necessary. Employees are encouraged to report any violations of this Kcell Policy on Freedom of Expression in Telecommunications. Cases of misconduct can be reported using the Group's whistle-blowing function. Employees may also freely contact their immediate superiors or any member of the executive management or Kcell Sustainability and Compliance Officer. Regardless of the reporting channel used, all allegations of potential violations of this Policy made in good faith will be swiftly, fairly and comprehensively investigated with the necessary internal or external *assistance*.

4 Context

This Policy is based on Kcell *Code of Ethics and Conduct* (see www.kcell.kz).

Kcell supports international standards on human rights. Our principles are based on internationally recognized laws and standards for human rights, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). They are also guided by the OECD Guidelines for Multinational Enterprises and the United Nations' Protect, Respect, and Remedy framework on business and human rights.

Freedom of expression is a fundamental human right derived from the inherent dignity of all persons.

The primary purposes of this Policy are to reduce human rights risks, and to ensure that our customers will feel confident that Kcell will, whenever possible, respect and safeguard their freedom of expression when we receive from governments requests or demands, and when we become aware of legislative initiatives, related to surveillance of communications.

Through this Policy we aim to anticipate, address and minimize any potential impacts on freedom of expression that may arise when governments make requests, demands or legislative initiatives that are unlawful, or where governments or national authorities are believed to be misusing products or technology in violation of the human right to freedom of expression.

The latest version of this *Kcell Policy on Freedom of Expression in Telecommunications* is published on www.kcell.kz.