

# Ranking Digital Rights 2015

## Corporate Accountability Index -2015 Research Indicators

### Annex 1: D-VoIS

The Privacy Policy of the Company is analysed on the basis of 31 indicators focused on corporate disclosure of policies and practices that affect users' freedom of expression and privacy.<sup>1</sup>

#### Commitment

*The company demonstrates a clear commitment in words and deeds to respect the human rights to freedom of expression and privacy. Both rights are part of the Universal Declaration of Human Rights and are enshrined in the International Covenant on Civil and Political Rights.*

*They apply online as well as offline. In order for a company to perform well in this section, the company's commitment should at least follow, and ideally surpass, the UN Guiding Principles on Business and Human Rights and other industry-specific human rights standards focused on freedom of expression and privacy such as the Global Network Initiative.*

- **Policy and leadership**

A. Does the company make explicit, prominent, and clearly articulated policy commitment to human rights including freedom of expression and privacy?

Answer : Yes . The company, in its Privacy Policy<sup>2</sup>, commits to protection of privacy of its customers, along with necessary and reasonable measures to protect the confidentiality of the customer information and its transmission through the web.

B. Do senior executives of the company make meaningful commitment to advance users' freedom of expression and privacy?

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<sup>1</sup> Ranking Digital Rights,

<https://rankingdigitalrights.org/index2015/assets/static/download/RDRindex2015indicators.pdf>

<sup>2</sup> D-VoIS, <http://dvois.com/Privacy-Cancellation&RefundPolicy.pdf>

Answer : None/no-evidence. Company representatives have not made related statements in a prominent venue.

- **Governance and management oversight**

Is there oversight at board, executive, and management levels on how the company's policies and practices affect freedom of expression and privacy?

Answer : No information is publically available.

- **Internal implementation**

Does the company have mechanisms in place to implement its commitment to freedom of expression and privacy?

Answer : No. However, D-VoiS has drawn up a plan to comply with various standards, both from the network security and from the policy / procedure / standards perspective. D-VoiS is currently implementing ISO: 27001.<sup>3</sup>

- **Impact assessment**

Does the company conduct regular, comprehensive, and credible due diligence, such as human rights impact assessments, to identify how all aspects of their business impact freedom of expression and privacy?

Answer : No information is publically available.

- **Stakeholder engagement**

Does the company engage with a range of stakeholders on freedom of expression and privacy issues?

Answer : No information is publically available.

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<sup>3</sup> D-VoiS, [http://www.dvois.com/iso\\_27001.php](http://www.dvois.com/iso_27001.php)

- **Remedy**

Does the company have grievance and remedy mechanisms?

Answer : No information is publically available.

## **Freedom of Expression**

*In its disclosed policies and practices, the company demonstrates concrete ways in which it respects the right to freedom of expression of users, as articulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international human rights instruments. The company's disclosed policies and practices demonstrate how it works to avoid contributing to actions that may interfere with this right, except where such actions are lawful, proportionate and for a justifiable purpose. Companies that perform well on this indicator demonstrate a strong public commitment to transparency not only in terms of how they respond to government and others' demands, but also how they determine, communicate, and enforce private rules and commercial practices that affect users' freedom of expression.*

- **Availability of Terms of Service**

Are the company's Terms of Service freely available and easy to understand?

Answer :

1. Free: The company's terms of service (ToS) are easy to find and freely available without needing to sign up or subscribe.
2. Language: The ToS is not available in the language(s) most commonly spoken by the company's users as the information is available only in English language.
3. Easy to understand: The ToS are presented in an understandable manner.

The company has made its Privacy Policy<sup>4</sup>, along with a Citizen Charter<sup>5</sup> contain provisions regarding confidentiality publically available, which are easy to find and freely available without subscription. However, the documents are only in English language.

- **Terms of Service, notice and record of changes**

Does the company commit to provide meaningful notice and documentation to users when it changes its Terms of Service?

Answer : The company does not commit to provide meaningful notice and documentation to users when it changes its Terms of Service. The Company states that when the Privacy Statement is updated , this is highlighted next to the Privacy Statement link on the front page of the company. Also, in case of any material changes to the statement or regarding use of personal information by the company, such changes will be prominently posted prior to implementing the change. <sup>6</sup>

- **Reasons for content restriction**

Does the company disclose whether it prohibits certain types of content or activities?

Answer : The company explains what types of content or activities it does not permit.

According to the policies of the company, the customer is obligated not to use the services for any unlawful, immoral or abusive purposes in violation or derogation of any law/rule or regulation or statutory directive or order for the time being in force or against any public policy or for sending / receiving obscene threatening, harassing messages/communications or sending message or communications that affect national interest, or create any damage or risk to company or its Network/equipments/call centre and/or other Customer(s). <sup>7</sup>

- **Reasons for account or service restriction**

Does the company explain the circumstances under which it may restrict or deny users from accessing the service?

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<sup>4</sup> D-VoIS, <http://dvois.com/Privacy-Cancellation&RefundPolicy.pdf>

<sup>5</sup> D-VoIS, <http://www.dvois.com/Citizen%20Charter.pdf>

<sup>6</sup> D-VoIS, <http://dvois.com/Privacy-Cancellation&RefundPolicy.pdf>

<sup>7</sup> Clause 4.2 <http://www.dvois.com/Citizen%20Charter.pdf>

Answer : The company explains the reason(s) why it may restrict a user's account. The policies state that the company, is entitled to refuse, limit, suspend, vary or disconnect the Services, at anytime, for any reasonable cause, including, but not limited, to the following:

- Any/all applicable rules, regulations, orders, directions, notifications, License Agreement conditions etc. issued by the Government/Telecom Regulatory Authority of India (TRAI)
- Any discrepancy in the particular(s) provided by the Customer.
- If the Customer is in the default (including past defaults) in making payment for the Services or for any other telecom services or for any other telecom service provided by the company.
- During technical failure, modification, up-gradation, variation, relocation, repair and/or maintenance of the systems/equipment.
- To combat potential fraud, sabotage, willful destruction, national security or for any other force majeure reasons etc.
- Transmission limitations caused by topographical, geographical, atmospheric, hydrological and /or mechanical or electronic constraints/limitations and/or availability of suitable cell-sites.
- If services are used in violation of any law, rule/regulation.
- Interconnection failure between the company and other service provider (s).
- Any other reason which is found to be reasonable by the company warranting limiting/suspension/disconnection of Services.<sup>8</sup>

- **Notify users of restriction**

If the company restricts content or access, does it disclose how it notifies users?

Answer : No information is publically available.

- **Process for responding to third-party requests**

Does the company publish information about its process for evaluating and responding to requests from governments and other third parties to restrict content or service?

Answer : No information is publically available.

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<sup>8</sup> Cluase 2.3 <http://www.dvois.com/Citizen%20Charter.pdf>

- **Data about government requests**

Does the company regularly publish data about government requests (including judicial orders) to remove, filter, or restrict content or access to service, plus data about the extent to which the company complies with such requests?

Answer : No information is publically available.

- **Data about private requests**

Does the company regularly publish data about requests from non-governmental (and non-judicial) parties to remove, filter, or restrict access to content, plus data about the extent to which the company complies with such requests?

Answer : No information is publically available.

- **Data about Terms of Service enforcement**

Does the company regularly publish information about the volume and nature of actions taken to enforce the company's own terms of service?

Answer : No information is publically available.

- **Network management (telecommunications companies)**

Does the company disclose whether it prioritizes or degrades transmission or delivery of different types of content (e.g., traffic shaping or throttling) and if so, for what purpose?

Answer : No information is publically available.

- **Identity policy (Internet companies)**

Does the company require users to verify their identity with government-issued identification, or with other forms of identification connected to their offline identity?

Answer : No information is publically available.

## **Privacy**

*In its disclosed policies and practices, the company demonstrates concrete ways in which it respects the right to privacy of users, as articulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international human rights instruments. The company's disclosed policies and practices demonstrate how it works to avoid contributing to actions that may interfere with users' privacy, except where such actions are lawful, proportionate and for a justifiable purpose. They will also demonstrate a strong commitment to protect and defend users' digital security. Companies that perform well on this indicator demonstrate a strong public commitment to transparency not only in terms of how they respond to government and others' demands, but also how they determine, communicate, and enforce private rules and commercial practices that affect users' privacy.*

- **Availability of Privacy Policies**

Are the company's privacy policies freely available and easy to understand?

Answer :

1. Free: The company's privacy policies are easy to find and freely available without needing to sign up or subscribe.
2. Language: The privacy policies are not available in the language(s) most commonly spoken by the company's users.
3. Easy-to-understand: The policies are presented in an understandable manner.

The company has made its Privacy Policy, along with a Citizen Charter contain provisions regarding confidentiality publically available, which are easy to find and freely available without subscription. However, they are available only in English language.

- **Privacy Policies, notice and record of changes**

Does the company commit to provide meaningful notice and documentation to users when it changes its privacy policies?

Answer : The company maintains a public archive or change log. However, it does not provide meaningful notice to users regarding change in privacy policies.

The Company states that when the Privacy Statement is updated , this is highlighted next to the Privacy Statement link on the front page of the company. Also, in case of any material changes to the statement or regarding use of personal information by the company, such changes will be prominently posted prior to implementing the change.<sup>9</sup>

- **Collection of user information**

Does the company disclose what user information it collects, how it collects this information, and why?

Answer : Data minimization-The company commits to limit collection of user information to what is directly relevant and necessary to accomplish the purpose of its service. The Privacy Policy of the company states that it will limit the collection and use of customer information only on a need-to-know basis to deliver better service to the customers.<sup>10</sup>

- **Sharing of user information**

Does the company disclose if and why it shares user information with third parties?

Answer : The company clearly discloses why it shares user information. The Privacy Policy of the Company states that it may use and share the information provided by the Customers with its Affiliates and third parties for providing services and any service-related activities such as collecting subscription fees for such services, and notifying or contacting the Customers regarding any problem with, or the expiration of, such services.

Also, the company undertakes not to disclose the information provided by the Customers to any person, unless such action is necessary to Conform to legal requirements or comply with legal

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<sup>9</sup> D-VoIS,, <http://dvois.com/Privacy-Cancellation&RefundPolicy.pdf>

<sup>10</sup> D-VoIS, <http://dvois.com/Privacy-Cancellation&RefundPolicy.pdf>



process, Protect and defend company's or its Affiliates' rights, interests or property; Enforce the terms and conditions of the products or services; or Act to protect the interests of company, its Affiliates, or its members, constituents or of other persons. <sup>11</sup>

- **User control over information collection and sharing**

Does the company provide users with options to control the company's collection and sharing of their information?

Answer : The terms of services of the company state that the customer may choose to restrict the collection or use of their personal information in the following ways: whenever they are asked to fill in a form on the website, they can click a box to indicate that they do not want the information to be used by anybody for direct marketing purposes.

Also, it states that the company will not sell, distribute or lease customers' personal information to third parties unless permitted by them or are required by law to do so. <sup>12</sup>

- **Users' access to their own information**

Are users able to view, download or otherwise obtain, in structured data formats, all of the information about them that the company holds?

Answer : No information is publically available.

- **Retention of user information**

Does the company disclose how long it retains user information?

Answer : No information is publically available.

- **Collection of user information from third parties (Internet companies)**

Does the company publish clear information about whether it collects user information from third parties?

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<sup>11</sup> D-VoIS, <http://dvois.com/Privacy-Cancellation&RefundPolicy.pdf>

<sup>12</sup> D-VoIS, <http://www.dvois.com/disclaimer.php>

Answer : No information is publically available.

- **Process for responding to third-party requests for user information**

Does the company publish information about its process for evaluating and responding to requests from government and other third parties for stored user data and/or real-time communications, including the legal basis for complying with such requests?

Answer : No information is publically available.

- **User notification about third-party requests for user information**

Does the company commit to notify users to the extent legally possible when their data has been requested by governments and other third parties?

Answer: Commits not to sell, distribute or lease personal information to third parties without consent, or unless required by law.<sup>13</sup> Additionally, by virtue of the company's Privacy Policy, the customer authorizes the company to exchange, share, part with all information related to the details and transaction history of the Customers to its Affiliates / banks / financial institutions / credit bureaus / agencies/participation in any telecommunication or electronic clearing network as may be required by law, customary practice, credit reporting, statistical analysis and credit scoring, verification or risk management and shall not hold the company liable for use or disclosure of this information.<sup>14</sup>

- **Data about third-party requests for user information**

Does the company regularly publish data about government and other third-party requests for user information, plus data about the extent to which the company complies with such requests?

Answer : No information is publically available.

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<sup>13</sup> D-VoIS, <http://www.dvois.com/disclaimer.php>

<sup>14</sup> D-VoIS, <http://dvois.com/Privacy-Cancellation&RefundPolicy.pdf>

- **Security standards**

Does the company deploy industry standards of encryption and security for its products and services?

Answer : The company has drawn up a plan to comply with various standards, both from the network security and from the policy / procedure / standards perspective. It implements ISO: 27001 currently.<sup>15</sup>

- **Encryption of users' private content (Internet companies)**

Can users encrypt their own content and thereby control who has access to it?

Answer : The company's terms or other policies explain that the user may deploy third party encryption technologies. The policies of the company state that the Customer shall not employ bulk encryption equipment in the network. Any encryption equipment are to be deployed for specific requirements, which the Customer shall do so with the prior evaluation and approval of Government Authority specifically designated for the purpose. Customer is permitted to use encryption upto 40 bit key length in the RSA algorithms or its equivalent in other algorithms without having to obtain permission. However if higher encryption levels/ equipments are to be deployed, Customer shall do so with the permission of the Government Authority and deposit the decryption key, split into two parts, with the Government Authority.<sup>16</sup>

- **Inform and educate users about potential threats**

Does the company publish information to help users defend against cyber threats?

Answer : No information is publically available.

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<sup>15</sup> D-VoIS, [http://www.dvois.com/iso\\_27001.php](http://www.dvois.com/iso_27001.php)

<sup>16</sup> Clause 4.5 <http://www.dvois.com/Citizen%20Charter.pdf>