

# Ranking Digital Rights 2015

## Corporate Accountability Index -2015 Research Indicators

### Annex 2: Tata Docomo

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 has a Data Privacy Policy<sup>2</sup> in place, which identifies and describes the way Tata Technologies Ltd.(hereinafter referred as TTL) uses and protects the Confidential Data collected from users.<sup>3</sup>

- 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> Tata Docomo, <http://shop.tatadocomo.com/privacy-policy.aspx>

<sup>3</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.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 : The Data Privacy Policy of the Company states that it has established electronic and administrative safeguards designed to secure the information collected to prevent unauthorized access to or disclosure of that information and to ensure it is used appropriately. Some examples of those safeguards include:

- All employees of the Company are subject to the internal Code of Business Conduct, which requires all employees to follow the laws, rules, regulations, court and/or commission orders applicable to the business-specifically the legal requirements and company policies related to the privacy of communications and the security and privacy of Customer records. Employees who fail to meet these standards are subject to disciplinary action.
- The Company has implemented technology, security features and strict policy guidelines to safeguard the privacy of users' Personal Information. For example: The company maintains and protects the security of computer storage and network equipment, and the security procedures require usernames and passwords to access sensitive data; encryption or other appropriate security controls to protect Personal Information when stored or transmitted by TTL have been implemented, the Company limits access to Personal Information to those employees, contractors, and agents who need access to such information to operate, develop, or improve our services and products; the company requires caller/online authentication before providing Account Information so that user or

anyone who knows account information of the user will be able to access or change the information.

- **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.

- **Remedy**

Does the company have grievance and remedy mechanisms?

Answer : The website of the Company provides for a Requests and Complaints option to file for registration of a complaint, as well as writing to the Appellate Authority. <sup>4</sup>

## **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*

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<sup>4</sup> Tata Docomo, <http://www.tatadocomo.com/nodal-appellate.aspx>

*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.
3. Easy to understand: The ToS are presented in an understandable manner.

The company has made its Data Privacy Policy<sup>5</sup> as well as the Terms and Conditions<sup>6</sup>, which are easy to find and freely available without subscription. However, the policy as well as the terms of service are available 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 :In case of Terms and Conditions, the Company may revise them at any time and the users are expected to check the page to take notice of any changes. Continued use of the Website will be deemed acceptance of the Terms of Use. However, it does not commit to provide meaningful notice to users regarding change in terms of service.

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<sup>5</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

<sup>6</sup> Tata Docomo, <https://shop.tatadocomo.com/terms-and-conditions.aspx>

Additionally, the Company reserves the right to update the Data Privacy Policy. In case of material changes, the Company shall post a prominent notice of the change on the websites, and also provide the users appropriate notice and choice regarding the use of their information, at least 30 days before the effective date. The users are required to check the website periodically for changes to the Privacy Policy.<sup>7</sup>

- **Reasons for content restriction**

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

Answer :Terms and Conditions of the Company states that it may change, suspend and/or discontinue the Product(s) at any time, including the availability of any feature, database and content on the Website. The Company may also impose limits on certain features and services and/or restrict User's access to parts and/or all of the services without notice and/or liability to the Users. Also, the Company and/ or its designees reserves the right (but not the obligation) to pre-screen, refuse or remove any Content and/ or Products from the Website at any time, for any reason (including, but not limited to, upon receipt of claims or allegations or complaints from third parties and/ or authorities relating to such Content) and/ or for no reason at all.<sup>8</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?

Answer :Terms and Conditions of the Company states that it may change, suspend and/or discontinue the Product(s) at any time, including the availability of any feature, database and content on the Website. The Company may also impose limits on certain features and services and/or restrict User's access to parts and/or all of the services without notice and/or liability to the Users. Also, any fraudulent, abusive, or otherwise illegal activity may be grounds for termination of User's right to access the Website of the Company.

The Terms also state that the Company may, at any time, terminate or suspend any and all services and/ or access to the Website immediately, without prior notice and/or liability. The services and/ or access to the Website may also be terminated or suspended if:

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<sup>7</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

<sup>8</sup> Tata Docomo, <http://shop.tatadocomo.com/terms-and-conditions.aspx>

1. User breaches any of the terms or conditions of the Agreement and/or other incorporated agreements and/or guidelines.
2. Requests by law enforcement and/or other government agencies.
3. Discontinuance and/or material modification to the Website and/ or service (or any part thereof).
4. Unexpected technical and/or security issues and/or problems.
5. Engagement by the User in fraudulent and/or illegal activities.
6. Non - payment of any fees owed by the User in connection with the use of Website and/ or services.

The Company may also suspend or terminate user's' access to the Website wholly or partially and with or without notice for any valid reason including, without limitation where:

1. The user fails to observe or perform any obligation set out in the Conditions, any relevant law, licence, regulation, directive, code of practice or applicable usage policy; or
2. User fails to pay us any sums due to us; or
3. User supplies the Company with false, misleading or inaccurate information at any time; or
4. The Company suspends or discontinues the web-site.

- **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.

- **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 :The company does not disclose information about prioritizing or degrading the delivery of content. It states that any service will be uninterrupted, timely, secure and error-free for any reasons whatsoever including but not limited to overload / breakdown of receiving network, servers or applications; system failures out of the Company's control or on any days including but not limited to Christmas, Dussehra, Diwali, New Year's Eve, New Year's Day, Valentine's Day, Holi and Independence day or any other public holiday due to heavy traffic on network.<sup>9</sup>

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<sup>9</sup> Tata Docomo, <http://shop.tatadocomo.com/terms-and-conditions.aspx>

- **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<sup>10</sup>, along with a comprehensive Data Privacy Policy<sup>11</sup> publically available, which are easy to find and freely available without subscription. However, the Policies 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 reserves the right to update the Data Privacy Policy. In case of material changes, the Company shall post a prominent notice of the change on the websites, and also provide the users appropriate notice and choice regarding the use of their information, at least 30 days before the effective date. The users are required to check the website periodically for changes to the Privacy Policy.<sup>12</sup> No meaningful notice is given to the users regarding this.

- **Collection of user information**

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

Answer : The Company discloses the following information:

- The information it collects: The Company may collect Confidential Data in different forms such as Personal and other Information based on the basis of the use of products and services by the user, and their business relationship with the Company. Some examples include:
  1. *Contact Information* - including name, address, telephone number, and email address;
  2. *Billing information* - including payment data, credit history, credit card number, security codes, and service history.
  3. *Equipment, Performance, Website Usage, Viewing and other Technical Information* about use of the network, services, products or websites.<sup>13</sup>

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<sup>10</sup> Tata Docomo, <https://shop.tatadocomo.com/privacy-policy.aspx>

<sup>11</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

<sup>12</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

<sup>13</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

- How the information is collected: The Company collects Information in three primary ways:
  1. Users provide it to the Company at the time of purchasing or interacting about a product or service provided/offered.
  2. It is collected automatically when users visit the Company's Website or use their Products and services;
  3. The Company obtains it from other sources, such as credit agencies.
  
- Reasons for collection: The Information may be collected for a the following purposes:
  1. Provide users with the best customer experience possible;
  2. Provide the services purchased, and to respond to questions;
  3. Communicate with users regarding service updates, offers, and promotions;
  4. Deliver customized content and advertising that may be of interest to users;
  5. Address network integrity and security issues;
  6. Investigate, prevent or take action regarding illegal activities, violations of Company's Terms of Service or Acceptable Use Policies.<sup>14</sup>
  7. To conduct research and analysis directed toward maintaining, protecting and improving network and the services provided by Company.<sup>15</sup>

- **Sharing of user information**

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

Answer :The Company discloses shares user information with third parties in following circumstances:

**With TTL Companies:** Subject to applicable legal restrictions, such as those that exist for Customer Proprietary Network Information (CPNI), the TTL companies may share Personal Information with each other to ensure seamless experience for users.

**With Non-TTL Companies:** Personal Information is shared only with non-TTL companies that perform services on behalf of the Company, and only as necessary for them to perform those services.

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<sup>14</sup> Tata Docomo, <http://shop.tatadocomo.com/privacy-policy.aspx>

<sup>15</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

**In Other Circumstances:** Personal Information may be provided to non-TTL companies or other third parties for purposes such as:

1. To assist with identity verification, and to prevent fraud and identity theft;
2. Enforcing agreements and property rights;
3. Obtaining payment for products and services that appear on TTL billing statements, including the transfer or sale of delinquent accounts to third parties for collection; and
4. To comply to legal and regulatory requirements;<sup>16</sup>
5. To prevent unlawful use of TTL's services and to assist in repairing network outages;
6. To provide information regarding the caller's location to a public safety entity when a call is made to police/investigation agencies, and to notify the public of widespread emergencies;
7. To notify or respond to a responsible governmental entity if the Company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires or justifies disclosure without delay;
8. To display name and telephone number on a Caller ID device;
9. To notify the National Center for Missing and Exploited Children of information concerning child pornography of which the Company becomes aware through the provision of services.<sup>17</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 company provides users with options to control the company's sharing of their information. The user can limit certain types of solicitation communications from TTL, including marketing contacts made via telephone, email and text messaging.<sup>18</sup> No information is publically available regarding users option to control company's collection of information.

- **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?

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<sup>16</sup> Tata Docomo, <http://shop.tatadocomo.com/privacy-policy.aspx>

<sup>17</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

<sup>18</sup> Tata Docomo, <http://shop.tatadocomo.com/privacy-policy.aspx>

Answer :The users can review and correct their Personal Information collected by the Company. TTL honors requests from Customers to review their Personal Information maintained in reasonably retrievable form, and would correct information, if found to be inaccurate. Customers may also verify that appropriate corrections have been made.<sup>19</sup>

- **Retention of user information**

Does the company disclose how long it retains user information?

Answer :The Company retains user's Personal Information only as long as needed for business, tax or legal purposes, after which the Company destroys it by making it unreadable or undecipherable. No specific duration is mentioned.

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

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

Answer :The Company may obtain information about from outside sources. For example, it may request credit information about users from credit agencies for the purpose of initiating service to them, obtain commercially available demographic and marketing information about users from third parties, or purchase email lists from third parties for advertising and marketing purposes.<sup>20</sup>

- **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**

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<sup>19</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

<sup>20</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

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 : As stated in this Privacy Policy, TTL will not sell or share your Personal Information with non-TTL companies for their direct marketing purposes without consent of users.<sup>21</sup> The Company will give notice and provide easily understood tools to allow users to exercise meaningful consent before using such information for advertising purposes. However, Personal Information may be provided to non-TTL companies or other third parties (for example, to government agencies, credit bureaus and collection agencies) without consent of users for certain purposes, such as:

1. To comply with court orders, subpoenas, lawful discovery requests and other legal or regulatory requirements, and to enforce company's legal rights or defend against legal claims;
2. To obtain payment for products and services that appear on TTL billing statements, including the transfer or sale of delinquent accounts to third parties for collection;
3. To enforce agreements of the company, and protect its rights or property;
4. To assist with identity verification, and to prevent fraud and identity theft;
5. To prevent unlawful use of TTL's services and to assist in repairing network outages;
6. To provide information regarding the caller's location to a public safety entity when a call is made to police/investigation agencies, and to notify the public of widespread emergencies;
7. To notify or respond to a responsible governmental entity if company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires or justifies disclosure without delay;
8. To display name and telephone number on a Caller ID device;
9. To notify the National Center for Missing and Exploited Children of information concerning child pornography of which company becomes aware through the provision of their services.<sup>22</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>21</sup> Tata Docomo, <http://shop.tatadocomo.com/privacy-policy.aspx>

<sup>22</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

- **Security standards**

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

Answer :The Privacy Policy of the Company states that it has implemented appropriate security controls to protect Personal Information when stored or transmitted by TTL. Also, it has established electronic and administrative safeguards designed to secure the information collected, to prevent unauthorized access to or disclosure of that information and to ensure it is used appropriately. Some examples of those safeguards include:

1. All TTL employees are subject to the internal Code of Business Conduct . The TTL Code requires all employees to follow the laws, rules, regulations, court and/or commission orders that apply to business of the Company — including, specifically, the legal requirements and company policies related to the privacy of communications and the security and privacy of Customer records, failing which the Employees are subject to disciplinary action, up to and including dismissal.
2. The Company has implemented technology and security features and strict policy guidelines to safeguard the privacy of users Personal Information. For example:
  - It maintains and protects the security of computer storage and network equipment, and the security procedures require usernames and passwords to access sensitive data;
  - The Company has implemented encryption or other appropriate security controls to protect Personal Information when stored or transmitted by TTL;
  - The Company limits access to Personal Information to those employees, contractors, and agents who need access to such information to operate, develop, or improve our services and products;
  - The Company requires caller/online authentication before providing Account Information so that only user or someone who knows user's Account Information will be able to access or change the information.<sup>23</sup>

- **Encryption of user's private content (Internet companies)**

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

Answer : No disclosure.

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<sup>23</sup> Tata Docomo, <http://www.tatadocomo.com/downloads/data-privacy-policy.pdf>

- **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.