**Kcell/TeliaSonera response regarding survey on IT companies’ adherence to human rights**

*Business & Human Rights Resource Centre invited Kcell/TeliaSonera to respond to the following item:*

- *«Изучение приверженности телекоммуникационных компаний соблюдению прав человека. Промежуточный отчет», Коалиция Азат Интернет, июль 2015 года*

[*https://drive.google.com/file/d/0B1qxXO0U2NN3dlZkeS1QX1d2VlRqV1hkZVM2VzhtSzJiN0Vz/view?pli=1*](https://drive.google.com/file/d/0B1qxXO0U2NN3dlZkeS1QX1d2VlRqV1hkZVM2VzhtSzJiN0Vz/view?pli=1)

*In response, Kcell/TeliaSonera**sent the following statement:*

14 July 2015

Dear Ella and Mauricio,

Kcell Joint Stock Company (the Company) would like to express its respect and thanks for the invitation to take part in the study of commitments of telecom companies to observance of human rights. Hereby, the Company informs as follows:

Kcell JSC in its activity in terms of respect of human rights, freedom of expression, protection of the right to privacy and protection of personal data is governed by the applicable laws of the Republic of Kazakhstan, including international treaties on human rights, freedom of expression, protection of personal data, protection of the right to privacy as well as internal policies of the Company.

For example, Kcell JSC has the Code of Ethics and Conduct, which is based on international treaties: United Nations Universal Declaration on Human Rights, International Labor Organization Convention, United Nations Convention against Corruption, and Rio Declaration on Environment and Development.

Moreover, the Company not only itself complies with, but also calls its business partners to observe the human rights, freedom of expression, data protection, anti-corruption policy, environment protection and sustainability policy. For example, the Company has a Supplier Code of Conduct, which also provides for the principles of the Code ofEthics and Conduct of Kcell JSC, in order to ensure that business partners in their daily activities are guided by the above principles.

Kcell JSC also has the Policy on freedom of expression in the field of telecommunications. The main objective of the Policy is to mitigate the risks in the sphere of human rights in the process of state control over the telecommunications networks and to providing our customers with confidence that the Company respects and protects their rights to freedom of expression.

In accordance with the requirements of the legislation, Kcell JSC in its daily activities adheres to the policy of protection of customer personal data. Since the Company operatesin the field of telecommunications, our customers’ trust in how we ensure the confidentiality of transmitted data is important and is one of the decisive factors for our business.

Kcell JSC permanent works on the issue of ensuring the protection of personal data and the right to privacy of customers. Kcell JSC has the Privacy Policy and Regulations on the protection of personal data, the main purpose of which is to protect the customers’ rights to privacy and to guarantee customers that Kcell JSC respects and protects theirrights to privacy and protection of their personal data.

Your social organization, as well as any person that has access to the Internet is free, without registration and any charge, review all policies and codes approved and operating in Kcell JSC on our official website [**www.kcell.kz**](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.kcell.kz).

16 July 2015

Dear Ella, Dear Mauricio,

Kcell and TeliaSonera would like to jointly add the following to the initial response sent on July 14th.

Our duty is to respect the freedom of expression and privacy of our customers. This follows by international instruments, but also our own commitments as developed in our Freedom of Expression Policy, adopted by both TeliaSonera and Kcell.

One of our commitments is, as you have pointed out, to “Advocate clear and transparent legal provisions on proportionality and necessity of all government surveillance of communications. Vague, non-transparent and broadly conceived legal provisions are not appropriate when freedom of expression is at stake.” Please find below links to material showing how we seek to live up to this commitment.

There is of course always more that we can do to respect the rights of our users and to support and promote freedom of expression. One important part of this work is to create a platform for cooperation with civil society. Within different parts of the TeliaSonera Group we seek a constructive dialogue with all of our stakeholders. In addition, together with other operators, we have formed and are actively participating in the Telecoms Industry Dialogue. Also this initiative has frequent meetings with external stakeholders, including the civil society.

Please do let us know if you have any further questions.

Best of regards,

On behalf of TeliaSonera and Kcell

Aiman and Patrik

 1)      The Policy in English; [http://www.teliasonera.com/en/sustainability/human-rights/ceo-statement-freedom-of-expression-policy/](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.teliasonera.com%2fen%2fsustainability%2fhuman-rights%2fceo-statement-freedom-of-expression-policy%2f)

2)      The Policy in Russian;

[http://www.teliasonera.com/Documents/Reports/2013/Q4/Microsoft%20Word%20-%20TS%20Policy%20FoE%20RUS.pdf](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.teliasonera.com%2fDocuments%2fReports%2f2013%2fQ4%2fMicrosoft%2520Word%2520-%2520TS%2520Policy%2520FoE%2520RUS.pdf)

3)      The Policy published by Kcell; [https://www.kcell.kz/en/article/freedom-of-expression](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=https%3a%2f%2fwww.kcell.kz%2fen%2farticle%2ffreedom-of-expression)

4)      Advocacy and point of view as to new legislation in Kazakhstan;

a.       [http://www.teliasonera.com/en/newsroom/news/2015/respecting-freedom-of-expression-teliasonera-view-on-new-legislation-in-kazakhstan/](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.teliasonera.com%2fen%2fnewsroom%2fnews%2f2015%2frespecting-freedom-of-expression-teliasonera-view-on-new-legislation-in-kazakhstan%2f) and

b.      [http://www.teliasonera.com/en/newsroom/news/2014/respecting-freedom-of-expression-teliasonera-view-on-new-legislation-in-kazakhstan/](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.teliasonera.com%2fen%2fnewsroom%2fnews%2f2014%2frespecting-freedom-of-expression-teliasonera-view-on-new-legislation-in-kazakhstan%2f)

5)      Latest yearly report from the Telecoms Industry Dialogue; [http://www.telecomindustrydialogue.org/wp-content/uploads/Telco-Industry-Dialogue-Annual-Report-2015.pdf](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.telecomindustrydialogue.org%2fwp-content%2fuploads%2fTelco-Industry-Dialogue-Annual-Report-2015.pdf)

6)      Joint work by the international telecoms industry to make visible and more understandable for users the laws of Kazakhstan (please choose Kazakhstan on the left of the following site); [http://www.telecomindustrydialogue.org/resources/country-legal-frameworks/](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.telecomindustrydialogue.org%2fresources%2fcountry-legal-frameworks%2f)

7)      Example of advocacy regarding Kazakhstan other than on new legislation; [http://www.teliasonera.com/en/newsroom/news/2015/freedom-of-expression-recent-major-event-as-to-service-limitations-in-kazakhstan-early-february-2014/](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.teliasonera.com%2fen%2fnewsroom%2fnews%2f2015%2ffreedom-of-expression-recent-major-event-as-to-service-limitations-in-kazakhstan-early-february-2014%2f)

8)      Our work to implement our commitments is presented in our yearly Sustainability Reports, assured by an auditor. Our latest report is available here; [http://www.teliasonera.com/en/sustainability/reports/](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.teliasonera.com%2fen%2fsustainability%2freports%2f)

 9)      Finally, please let us link to our compliance work within the TeliaSonera Group;

[http://www.teliasonera.com/en/sustainability/impacts/governance/](https://mailx.exchange.datagate.net/owa/redir.aspx?C=OcX5T7Pjm0GVG4lxckII95U4TPlhndIISVFD5zrwTKXGjSoIDwrHiT_jYJy2UEQ4jpSgshsvhgc.&URL=http%3a%2f%2fwww.teliasonera.com%2fen%2fsustainability%2fimpacts%2fgovernance%2f)