

Is Google's 'Transparency Report' too Opaque?– The Russian Case



Search and service providers such as Google are sometimes asked by governments to remove content and release user data. When they comply, they are criticised for breaching fundamental rights of freedom of expression and privacy. LSE's Alexandra Kulikova examines the state of Internet content regulation in Russia and asks: is Google's 'Transparency Report' transparent enough?

On 23 January 2013 Google published its latest half-year **Transparency Report** providing details on its compliance with data requests from national governments. In Russia, and all around the world, requests have been growing. The US, India, and Western European countries have made many more data requests than have Russian authorities, and as is seen from the **report table** Google complies with the majority of those countries' requests. In comparison, Russia's requests had **gone unfulfilled** during early report periods.

Now, for the first time, Google is showing some compliance with Russian authorities. According to the report for the period between July and December 2012, Google received 97 data disclosure requests on 123 users/accounts, of which "1%" resulted in data produced by Google. That percentage is very small, but the mere fact of Google's latest 'compliance' attracted a lot of media attention in Russia. Indeed, the report shows that Russian authorities have been increasingly inquisitive over the last two years, more than doubling the amount of requests made.

Additionally, **Google reported** receiving from the Russian Ministry of the Interior requests to "remove 160 YouTube videos that allegedly contain extremist content in violation of Article 13 of the Federal Law on Counteracting Extremist Activity" during the latest reporting period. The videos were restricted from view in Russia, but remain online for the rest of the world. Russian media has painted this entire picture as evidence that Google, a staunch advocate of the freedom of the internet, is caving to pressure from Russian enforcement bodies. But is that the case?

Google's **broad contention** is that it stands at the guard of the consumers' interests and narrows or leaves unaddressed the requests that do not make a sufficiently convincing legal case. If that is true, then the low compliance rate for user data requests, and the refusal to completely remove the allegedly "extremist" content following those takedown requests, suggest that Google has not found the majority of Russia's demands to be sufficiently justified in law. Looking deeper, one justification for Russia's requests may have been a July 2012 law, entitled "**On Amendments to Federal Law on Protecting Children from Information Harmful to Their Health and the Development and Certain Legislative Acts of the Russian Federation**". The new law establishes a blacklist of websites allegedly containing child pornography, content promoting drug consumption, and extremist and other illegal content. It also compels ISPs to require the author to take down the content found illegal; otherwise the entire source will be blocked.

The law triggered a lot of controversy among internet users and ISPs. It has been **criticised** as a potential tool for infringing freedom of speech and for introducing **censorship online**. The main worries are that Russia's legislation may inhibit legitimate internet use, especially given that removal decisions are made outside of the scope of court proceedings and enforcement can involve subjectivity in evaluating content as "extremist". Nevertheless, on the face of it, these laws give an impression of well-intentioned attempts to protect consumers and citizens.

Those are the key questions: What were the Russian authorities' justifications for the requests, and what were Google's reasons for refusing? At the moment these cannot be answered. Observers of Russian enforcement efforts might look to Google for some clarification, but Google's

Transparency Report is not entirely transparent. It lacks details about the nature of the requests processed or declined, the number of users affected, and Google's specific reasoning. In the absence of real transparency, the overwhelming feeling in the internet community seems to be of distrust and anticipation of new caveats further restricting user experience – be it purposefully, or by improper execution.

So what does this tell us about Russian internet governance? We can assume that Russia's attempts to regulate cyberspace are not likely to stop, and players like Google will have to deal with this fact. Similar to Google's attempts to break **into the Chinese market**, the company could be expected to explore viable compliance and cooperation options that would increase its market share in Russia, which currently stands at **only about 26%**. But given the lack of transparency – both in Russia's enforcement and in Google's reporting – it is too early to tell if Google is actually caving in to pressure and efforts to control, or if Russia is beginning to make legitimate requests. The development also raises questions about the effectiveness of the **Global Net Initiative**, which Google signed up to in the wake of their Chinese debacle in 2006.

March 6th, 2013 | **Filtering and Censorship** | **2 Comments**

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