



September 27, 2024

Alexandra Walden
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**Re: Transparency in Due Diligence and Risk Assessment for Project
Nimbus and Similar Projects**

Dear Ms. Walden,

I am the Executive Director of the Electronic Frontier Foundation, the world's first and largest digital rights organization. For well over 30 years, EFF has been advocating and working for the protection of human rights in the digital world, including setting out and working to enforce standards for technology companies providing tools and services to governments.

We are writing to express our concerns about Google's ongoing involvement with the Israeli government's surveillance of Gaza and the West Bank, through Project Nimbus and similar initiatives. As you may have seen, we recently wrote [a blog post](#) on this issue, gathering some of the evidence that has emerged directly connecting the use of Google's technology to human rights abuses.

This letter is to formally follow up with specific questions, and to invite you to discuss this issue with us directly. While we recognize that part of Google's business includes providing technologies to governments that can be used for lawful surveillance, we also know that surveillance can be, and often is, used to facilitate human rights abuses. As we recently noted, [the Ninth Circuit recently confirmed](#) this risk in a case against Cisco arising out of that company's sale of surveillance technologies to China. Recognizing this risk, Google has long committed to human rights protections to ensure that its technologies are not misused to facilitate human rights abuses as specifically provided in Google's [Human Rights](#) and [AI principles](#).

Specifically, Google made commitments to follow the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs) and the [Global Network Initiative \(GNI\) Principles](#). Google has also made specific commitments about its sale of [AI systems](#). In light of these longstanding commitments, and the recent developments in Gaza and the West Bank, we respectfully request that Google provide direct responses to some basic questions about its compliance with its commitments that we can share with the public. Specifically, please address the following questions:

- **AI Principles:** Google has committed to ensuring that its AI technologies will not be used for surveillance purposes violating internationally accepted norms, in line with its AI principles. However, credible public [reports](#) suggest that Israeli military officials view Google’s cloud technology, including its AI capabilities, as critical to their surveillance operations in Gaza. The reports also confirm that the surveillance by the Israeli military includes civilians and not just combatants.
 - How is Google meeting its commitment to preventing the use of its AI for surveillance violating internationally accepted norms?
 - Does Google deny the claims made by these public statements by Israeli military officials?
 - If Google does not deny these claims, how does it reconcile its commitments with these statements?
- **Human Rights Due Diligence:** Principle 11 of the UNGPs requires businesses to prevent adverse human rights impacts or mitigate them if they occur. Similarly, Section 2.7 of the GNI Principles states that human rights impact assessments should be initiated early enough to inform new activities or partnerships.
 - What measures did Google implement to ensure its technologies and services sold to the Israeli government that are in use in Gaza and the West Bank (and elsewhere) are not used to advance human rights abuses?
 - What due diligence and steps to protect against misuse did Google take prior to entering into any contracts with the Israeli government under Project Nimbus or similar projects?
 - What follow-up has Google done now that there are multiple reports of abuses involving Google’s technology, including a March 2024 [report by New York Times](#) and an August 2024 [investigative report by +972 Magazine and Local Call](#)?
 - Please provide details of the specific technologies and services provided to the Israeli government and the due diligence done for each, including relevant documentation.
 - If disclosure is restricted by Google’s contractual arrangements with Israel or otherwise, please confirm whether and how confidentiality limits Google’s ability to disclose what technologies and services it is providing to the Israeli government, and provide any information that is not restricted.

- **Transparency of Business Relationships:** Principle 13 of the UNGPs requires companies to mitigate adverse human rights impacts linked to their business relationships, even if they do not directly contribute to those impacts.
 - Google should publicly disclose its contractual clients, both public and private, providing services to Israel in Project Nimbus or similar projects.
 - Please identify specific ministries, government agencies, or private entities with access to these services.
 - If disclosure is restricted, please confirm whether and how confidentiality agreements limit Google’s knowledge of which entities or agencies have access and what those entities may do with the technologies.

- **Mitigation of Adverse Human Rights Impacts:** Principle 19 of the UNGPs requires businesses to take appropriate action to prevent and mitigate adverse human rights impacts by integrating the findings from their impact assessments.
 - Please provide the specific steps Google has taken to mitigate adverse human rights impacts since the initiation of Project Nimbus, particularly in conflict-affected areas of Gaza and the West Bank.
 - What reports has Google seen or received of human rights violations linked to its services?
 - What actions has Google taken to address or mitigate any potential or actual human rights violations linked to its services in these contexts?

- **Human Rights Protections for Vulnerable Groups:** Principle 12 of the UNGPs stresses the importance of safeguarding the rights of specific vulnerable groups, such as ethnic, national, or religious minorities.
 - Has Google ensured that its involvement in Project Nimbus or similar projects does not infringe on the rights of Palestinians, especially in the context of the ongoing conflicts in Gaza and the West Bank?
 - If so, please provide an accessible report outlining the steps it has taken and the outcomes of these efforts.

- **Ongoing Human Rights Due Diligence (HRDD):** Principle 17 of the UNGPs, along with Section 2.4 of the GNI Principles, requires continuous human rights due diligence to prevent and mitigate adverse impacts.
 - Please outline the specific HRDD measures that Google has conducted and plans

to continue conducting in relation to its contracts with the Israeli government, including those linked to Project Nimbus.

- **Independent Human Rights Assessments and Commitment to Transparency:**
Principle 18 of the UNGPs requires that assessments of adverse human rights impacts involve consultation with independent experts and affected groups. Similarly, Section 2.5 of the GNI Principles calls for ongoing assessments of human rights impacts. Furthermore, Principle 21 of the UNGPs emphasizes transparency in addressing human rights impacts.
 - Has Google made efforts to consult with external human rights experts and findings reports from investigations to evaluate the impact of its Project Nimbus and other projects with the Israeli government?
 - If so, please provide us with any published independent reviews or explain why those reviews remain unpublished.
 - Please also share the names of the groups and their input, where that information is not confidential. If it is confidential, please explain why.
 - Please also describe what actions Google has taken based on this engagement.
 - Has Google engaged directly with representatives of Palestinians, including specifically Gazans and residents of the West Bank, or other stakeholders potentially affected by surveillance during the conflict?
 - If so, please share the names of the groups and their input, where that information is not confidential. If it is confidential, please explain why.
 - Please also describe what actions Google has taken based on this engagement.

As a global leader in technology, Google has rightly recognized that it has a responsibility to uphold human rights standards and to ensure that its innovation is aligned with principles of human rights, fairness and transparency. We believe that is the reason it has made these public commitments.

Given the numerous [credible reports](#) of the misuse of Google's technologies and services to facilitate human rights abuses in Gaza and the West Bank, we believe that public disclosure of the specifics of Google's involvement, its due diligence and its risk management processes associated with Project Nimbus and other similar projects is now critical. Hopefully, the answers to the questions above will reduce the cloud of suspicion that has arisen around Google's

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dedication to its human rights commitments. But if not, we hope it will spur Google to follow its own commitments, and, most critically, to cease any contribution it is making to human rights abuses in Gaza and the West Bank.

We trust that you will consider the gravity and urgency of these concerns and provide the necessary transparency to allow the public to see that Google is willing to abide by its commitments. We look forward to your response by November 1, 2024. If we have not heard from you by then, we intend to publish this letter and note your lack of response as part of our next steps in pursuing this issue. If you would like to speak with EFF directly, my colleagues and I are available. Please contact me at (415) 436 9333 x108 or cindy@eff.org to arrange a time.

Sincerely,

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