

Responding to Government Demands for Content Restrictions: The Need to Focus on Responsible Implementation Strategies



February 13, 2012 by [Vivek Krishnamurthy](#)

The announcement by [Twitter](#) last month that [it is deploying the ability to block tweets on a country-by-country basis](#) in response to government demand for content restrictions has generated an enormous amount of controversy.

Some commentators have accused the company, whose CEO once memorably described it as belonging to the “[free-speech wing of the free-speech party](#),” of giving in to the demands of governments who take a narrow view of the freedom of expression in order to grow their business in lucrative new markets.

Other commentators view the decision as inevitable given that the company has grown to the point that it requires a physical presence outside the United States. This makes both Twitter and its employees vulnerable to jurisdictional assertions by foreign governments, including by democratic governments whose constitutions afford somewhat less expansive free speech protections than does the uniquely American First Amendment.

Still others have welcomed Twitter's development of a mechanism to block certain tweets from appearing in a particular country pursuant to a government request as sparing both Twitter and its users the far worse fate of the site being blocked entirely, as happened in China.

While reasonable people can certainly disagree on whether Twitter's new country-specific tweet blocking abilities are a positive development in principle, what has largely been missing from the public debate is a recognition that the manner in which such policies are implemented has almost as much of an impact on what effect the policy has in the real world.

Developing the ability to block tweets on a country-by-country basis does not necessarily mean that Twitter will honor every request it receives from every government. Twitter may well decide that such requests are only legally binding in countries where it hosts data or where it has employees who can be dragged into court on charges of contempt. Alternatively, Twitter may only accede to requests from governments that have the technical ability to block Twitter without switching off the entire Internet, as Egypt attempted to do at the height of the demonstrations in Tahrir Square.

Factors that are important to consider when reviewing a company's response to government demands for content restrictions include:

- Who exactly within the company is making the decision on whether to honor a government request to restrict content? Are lawyers knowledgeable in the laws of the requesting jurisdiction making the call, or is the decision left to technical staff who may not have the expertise to judge whether a particular request is legitimate?
- What is the internal process for reviewing decisions by frontline staff?

- When if ever might the company challenge the request of the government in court?

All of these factors ultimately have just as much of an impact, in the case of Twitter's recent policy announcement, on the type and number of tweets that will be blocked in a particular country as the bare bones of the policy itself.

Finally, from a technical perspective, it appears that the precise means Twitter has chosen for blocking certain content on a country by country basis [allows users to easily evade these restrictions](#). Twitter reports that [it uses a visitor's IP address in order to determine their physical location](#). Recognizing, however, that IP-based geolocation is not perfect, Twitter allows users to manually specify their location in their account settings. This information appears to be saved in a browser cookie which appears to override IP-based geolocation for all purposes—including country-specific content restrictions. No one has been able to test the efficacy of this feature against Twitter's new country-specific blocking abilities for the simple reason that Twitter has yet to publicly acknowledge blocking a tweet in a particular country. The real test will surely come, however, the next time that the Internet is pressed into service as a platform for organizing antigovernment protests of the kind that rocked the Arab world last year.

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