



THE FOREIGN CORRESPONDENTS' CLUB, HONG KONG

2 LOWER ALBERT ROAD, NORTH BLOCK, CENTRAL, HONG KONG

香港外國記者會 香港中環下亞厘畢道二號北座

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TEL: (852) 2521 1511 FAX: (852) 2868 4092 EMAIL: fcc@fcchk.org

4 October 2005

Ms. Pauline Wong
Head of Marketing
Marketing Department
Yahoo! Holdings Hong Kong Limited
Rm 2802, Sunning Plaza
10 Hysan Road
Causeway Bay HK

Dear Ms Wong.

The Foreign Correspondents' Club, Hong Kong, is deeply distressed by Yahoo's compliance with requests from unknown mainland authorities to hand over information regarding the personal emails of our professional colleague, journalist Shi Tao, and we wish to express our displeasure in the strongest terms.

We note with dissatisfaction Yahoo's attempted explanation, offered through your good offices, that it "must comply with the laws, regulations and customs" of the nation where it does business. This attempt to seek cover beneath compliance with the rule of law is as unworthy as it is unpersuasive, and in no way addresses the questions of professional ethics and corporate conscience that should arise whenever a request for the provision of personal information is made. Yahoo's effort at self-justification actually worsens matters; not only is no particular law nor regulation cited, but the suggestion that something as indefinable as "customs" is a legitimate basis for becoming a willing accomplice to authoritarian action makes a mockery of Yahoo's already feeble effort to appear law-abiding.

Handing over information regarding personal data to a government is not an act that Yahoo, or any responsible Internet Service Provider (ISP), should ever engage in without such material having being sought with a proper judicial warrant issued in the jurisdiction where you are legally domiciled. It is certainly not what Yahoo would do in the United States. Moreover, your



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firm is registered in Hong Kong, a common law jurisdiction where laws, such as the Personal (Data) Privacy Ordinance, clearly spell out the protections to privacy. If it is Yahoo's desire to abide by local laws, the FCC suggests that it begin by complying with the laws in force where it is licensed to do business.

If it is Yahoo's position, however, that the laws, regulations and customs of the Hong Kong Special Administrative Region are inferior to those of mainland China, then it should state so clearly. That way, people will understand what Yahoo's view is on One Country-Two Systems relationship, and can select an ISP accordingly. We should add here that a number of our members, representing media organizations from around the world, are already discussing among themselves whether a boycott of Yahoo ought to be organized. Some have already given up their personal Yahoo addresses.

Indeed, if there are political pressures – beyond corporate competition and cupidity – that have driven Yahoo into an action that appears to be a surrender of conscience, then Yahoo – as well as any other ISP's faced with the same threat – should step forward and make that fact known.

Accordingly, the FCC sincerely extends to executives of Yahoo an invitation to explain any difficulties directly to our members. We would be happy to schedule a speaking engagement. If you are willing to take up this offer, and we hope that you are, please let us know as soon as possible so that appropriate arrangements can be made.

Sincerely,

Ilaria Maria Sala, President
The Foreign Correspondents' Club, Hong Kong

Francis Moriarty, Chairman
FCC Press Freedom Committee



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Mr. Jerry Yang
Co-Founder,
Chief Yahoo and Director
Yahoo! Inc.
701 First Avenue
Sunnyvale, California 94089
United States of America

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