



Anglo American: Right to privacy & drones

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Like many other mining companies, Anglo American is increasingly using drones at its operations and exploration sites for a number of applications. These include monitoring and inspection, surveying and mapping, safety management and security management. Drones are particularly useful for activities that can be dangerous for employees. In addition to legal considerations, it is important that the use of drones aligns with Anglo American's human rights responsibilities and commitments under global business and human rights standards that stakeholders expect us to follow.



What is Anglo American expected to do?

Anglo American has an internationally recognised responsibility to respect human rights as elaborated upon under core business and human rights standards, including the UN Guiding Principles on Business and Human Rights (UNGPS). In short, we are expected not to harm anyone's human rights and, if we do, to have ways to address the harm and put things right. Anglo American has committed to meet this responsibility wherever we work. Therefore, it is critical that our use of drones aligns with our human rights commitments and responsibilities, as well as international human rights standards that stakeholders expect us to follow.

The right to privacy

Privacy is a fundamental human right, and is central to the maintenance of democratic societies. It is essential to human dignity and it reinforces other rights, such as the rights to freedom of expression and freedom of association, and is recognised under international human rights law. The right to privacy means that people should not have their privacy arbitrarily or unlawfully interfered with. The use of drones for aerial surveillance has the potential to breach the right to privacy.

Like most human rights, the right to privacy can be limited provided the limitation is not unlawful or arbitrary. While the commentary around legitimately restricting the right to privacy focuses on Governments' roles and responsibilities, the principles outlined on the next page aim to provide guidance to us as we consider whether and how to use drones at our sites.



The ways in which data captured by drones is used can affect a much broader range of human rights, including the rights to life, liberty and security of person (which protects against intentional harm to someone's body), and the right to freedom of movement (e.g., if data captured by drones is misused and leads to the use of excessive force against local community members by security forces). Therefore, it will be important to also consider how our use of drone data can impact on internationally recognised human rights.

Guiding principles to consider

As noted above, the use of drones has the potential to impact on the right to privacy. In order to legitimately limit this right, the following guiding principles should be taken into account.

Legality: Is the limitation legal?

- Does the law in the country in which our site is located allow drones to be used?
- Does the law allow drones to be used for the specific purpose(s) for which we are using them?
- Are there any steps we need to take to comply with the law (e.g., obtain the consent of potentially affected stakeholders and obtain permits to operate drones, if required)?



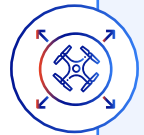
Legitimate aim: Does the limitation have a legitimate aim?

- Does our use of drones have a legitimate aim?
 - For example, an aim is more likely to be legitimate where it relates to the protection of other human rights (e.g., the identification of safety and security risks or the replacement of tasks that present safety risks for personnel).
 - For example, an aim is less likely to be legitimate where it could cause material and irreparable harm to an individual or group of individuals (e.g., collecting information about communities that is being used to further ascertain how to access their land).



Necessity: Is the limitation necessary for reaching the legitimate aim (i.e. it must have some chance of achieving the aim)?

- Is there a logical link between the use of drones and the legitimate aim being pursued?
- Is the use of drones likely to be effective at achieving the aim?



Proportionality: Is the limitation in proportion to the aim?

- Are there other ways that we could achieve the desired result that are less intrusive?
- Does the use of drones put the community at-risk, including at-risk or vulnerable people (e.g., children)?
- Does the use of drones exceed what is necessary to achieve the legitimate aim?
- If so, are there any measures that can be put in place to prevent this? One example might be consulting with potentially affected stakeholders in advance and taking steps to address the concerns they have raised.



Non-discriminatory: Is the limitation being applied in a non-discriminatory manner?

Have safeguards been put in place to prevent any potential discrimination that may arise from the use of drones, with a particular focus on at-risk or vulnerable groups, including by monitoring the impact of their use and the data captured?



Human rights due diligence (HRDD): Has HRDD been conducted in relation to the use of drones?

- Have we identified and assessed actual or potential adverse human rights impacts associated with the use of drones?
- Have we carried out meaningful consultations with potentially affected stakeholders (see consultation principle below) and other relevant stakeholders (e.g., civil society) in relation to the use of drones?
- Have the findings from the assessment been integrated across the business (e.g., responsibility for addressing any impacts should be assigned to someone with appropriate expertise) and has action been taken to prevent and mitigate risks associated with the use of drones? Action taken should be based on our level of involvement – our level of involvement will differ depending on whether we or another party (e.g., a contractor) is operating the drones.
- Are we tracking the effectiveness of the actions taken to prevent and mitigate any adverse impacts associated with the use of drones (e.g., through the use of indicators)?
- Have we communicated externally about its use of drones (see transparency principle below)?
- Are we conducting HRDD in relation to its use of drones on an ongoing basis?



Consultation with and participation of potentially affected stakeholders: Are we meaningfully consulting with potentially affected stakeholders as to how its operations may impact on them?

- Have potentially affected stakeholders (including at-risk or vulnerable groups) that may be impacted by the use of drones been meaningfully consulted (in line with the Social Way) prior to the use of drones as part of the HRDD?
- Has sufficient information been provided to potentially affected stakeholders (including at-risk or vulnerable groups) about why drones are being used, how it may impact them, and the measures taken to mitigate risks?
- Have any requests not to use the drones been adequately considered in final decision making on whether to use the drones and how have those requests been responded to?



Training: Is human rights training provided to those who are likely to be exposed to the human rights risks associated with using drones?

- Do drone operators and other relevant personnel receive human rights training?
- Are drone operators supported by Functions to enable them to operate in alignment with global business and human rights standards?



Access to remedy: Where we identify that we have caused or contributed to an adverse human rights impact, do we provide remedy directly for the harm or cooperate with legitimate remedy processes?

- Does our site have an effective mechanism for communities to make complaints if they believe their human rights have been impacted (e.g., a grievance mechanism)?
- Has our site formulated the type of remediation it may need to provide to people who complain about drones interfering with their privacy or other human rights?



Transparency: Are we transparent about our use of drones and do we provide sufficient information for stakeholders to understand the scope, nature and application of drones?

- Have we communicated about the use of drones to potentially affected stakeholders as well as other stakeholders (e.g., civil society organisations)?
- Have we made public the results of human rights impact assessments, actions taken to address human rights risks, and information about consultations in relation to the use of drones?

