

## **Written evidence submitted by TikTok (FL0022)**

TikTok welcomes the Business, Energy and Industrial Strategy (BEIS) Committee's inquiry into forced labour in UK value chains.

To be clear from the outset, neither TikTok's UK company, TikTok Information Technologies UK Limited ('TikTok UK') nor its ultimate parent company ByteDance Ltd, nor any of ByteDance Ltd subsidiaries in China are involved in the use of forced labour anywhere or in '*the facilitation of human rights abuses experienced by Uyghurs*', as described in the terms of reference by the Committee.

As a software company, TikTok is unlike the other companies that the Committee has written to. Whereas Adidas, Amazon, BooHoo, Gap, H&M, IKEA, Marks & Spencer, Nike, PUMA, Stella McCartney, and The North Face manufacture garments and therefore have extensive physical supply chains, TikTok does not.

Unlike those other companies, TikTok has also already been cross-examined by a Select Committee within the last month, including in regard to China, Uyghur Muslims and Xinjiang.

Given that we do not have supply chains in the way that these other companies do, we anticipate that the concerns that prompted the Committee to include TikTok relate to specific allegations raised by the Australian Strategic Policy Institute, which is cited by the Committee.

We want to address all of these issues. Accordingly, our submission covers the following:

- In section one, we set out TikTok's leadership and address the censorship allegations levelled at TikTok;
- In section two, we set out Bytedance Ltd's corporate structure;
- In section three, we set out our response to allegations linked to the Australian Strategic Policy Institute Report;
- In section four, you will also find the relevant testimony on these issues that we recently gave to the Digital, Culture, Media and Sport

(DCMS) Sub-committee on Online Harms and Disinformation on 22nd September 2020.

- In section five, you will find TikTok's answers to the specific questions that the Committee sent to companies on October 16.

We look forward to reading the outcome of the committee's inquiry and we commend members for their focus on this hugely important issue.

## **1. TikTok**

### **1.1 Leadership**

TikTok's international senior leadership team is based in the US, the team sits within TikTok Inc. This team is led by Vanessa Pappas in Los Angeles and includes Roland Cloutier, our Chief Information Security Officer, and Erich Andersen, our Global General Counsel. Like TikTok UK, TikTok Inc shares the same ultimate parent company, namely ByteDance Limited.

In practice, key decisions are taken locally. TikTok has a European management group, focused on the European market - including Rich Waterworth, our European General Manager, in London and, Cormac Keenan, our Head of Trust and Safety in Dublin. TikTok's UK and Irish entities are the joint data controllers for UK and EU users' personal data and are legally responsible for safeguarding that data and making any decisions concerning how it is used. TikTok UK is also the contractual service provider for UK users. TikTok also has other senior leaders in Europe working across areas including trust and safety, privacy, product policy, brand and creator engagement, commercialisation and music.

### **1.2 Allegations regarding censorship**

TikTok has been accused of censoring content related to China. We can categorically confirm that this is not the case - we do not moderate content based on political affiliation or perspective. TikTok does not censor content that is critical of China or content related to Uyghur Muslims, nor does TikTok promote content that is positive about China. TikTok's content moderation policies are publicly available and the moderation takes place by



On corporate structure specifically, there is a misconception that TikTok UK is a subsidiary of ByteDance's operations in China. This is not the case. TikTok UK is owned by global parent company ByteDance Ltd, incorporated in the Cayman Islands. As stated above, key decisions for TikTok UK are taken locally by TikTok's European management group. This is distinct from the ByteDance China business which has its own separate [management team](#).

The ultimate parent company, ByteDance Ltd, is backed by major global investors: Coatue, General Atlantic, Hill House, KKR, Softbank and others. The [Executive Board](#) is comprised of four directors from those major international investors and Yiming Zhang, the founder and CEO of ByteDance Ltd.

### **3. Chinese subsidiary of ByteDance Ltd**

In this section we have addressed the allegations made against the Chinese subsidiary of ByteDance Ltd.

#### **3.1 Allegations regarding personnel and infrastructure in Xinjiang**

Allegations have been made that ByteDance provides surveillance equipment and personnel to support the Chinese state in Xinjiang. These allegations are false. No evidence has been provided to substantiate these claims. The widely-cited report from the Australian Strategic Policy Institute (ASPI) (see [ere](#)), for example, does not include such claims.

#### **3.2 The Australian Strategic Policy Institute Report**

The ASPI report discusses the Chinese subsidiary of ByteDance broadly in three areas:

1. law enforcement in Xinjiang province use Douyin, a video-sharing app owned by the Chinese subsidiary of ByteDance,
2. the Chinese subsidiary of ByteDance has provided aid to Xinjiang,
3. The Chinese subsidiary of ByteDance operates in China and therefore must comply with local laws.

We address each of these issues in turn below.

#### Use of Douyin by law enforcement

i) As a user-generated content platform in China, Douyin allows individuals, organisations and institutions, including civic and law enforcement groups, to set up user accounts. This practice is comparable to how social media platforms in other countries allow similar organisations, including police, to create accounts for purposes such as crime prevention alerts. Douyin does not endorse the content generated by its users, but rather, similar to Twitter or Facebook, provides a platform to all of its users to express themselves, communicate with others and share information. ByteDance does not produce, operate or disseminate any products or services related to surveillance and it would be unfair and incorrect to draw this conclusion from the fact that police forces have accounts on Douyin.

#### Aid provided to Xinjiang

ii) The ASPI also reports that ByteDance has provided aid to the region. This is true: Douyin has supported poverty alleviation efforts in many regions across China. Douyin has worked with many businesses and farmers to initiate campaigns to sell products and promote tourism. Douyin is available and accessible to people and businesses in Xinjiang has not been prioritized above any other region.

#### Compliance with Chinese law

iii) Like all businesses that operate in China, the subsidiary of ByteDance Ltd that operates in China complies with Chinese law, just as TikTok Information Technologies UK Ltd - the subsidiary of ByteDance Ltd that operates in UK - complies with UK law.

There have been suggestions that TikTok shares user data with the Chinese government. This is not the case. TikTok data is stored outside of China. Our policy is not to share any of that data with the Chinese government and, in fact, the Chinese government has never asked for it.

## 4. Evidence to the DCMS Select Committee

This section sets out relevant sections of the evidence given by Dr. Theo Bertram, TikTok's Director of Government Relations and Public Policy EMEA, to the Digital, Culture, Media and Sport (DCMS) Sub-committee on Online Harms and Disinformation on 22nd September 2020.

The full transcript of the evidence session can be found [here](#).

### **ikTok's corporate structure**

Theo Bertram responded to questions from Damian Hinds MP and Damian Green MP regarding the corporate structure of TikTok. Theo Bertram explained how TikTok is separated from China and reports into the global parent company, not the Chinese subsidiary.

**Q14 - Damian Hinds:** TikTok Global, what does it mean? Does that mean the world outside China? Does it mean the Americas? What does it mean?

**Theo Bertram:** To explain where we are now, TikTok does not operate in China. TikTok only operates outside China. TikTok data, globally, is stored in the US and Singapore. For TikTok users in the UK, the app is provided by TikTok Information Technologies UK. The data is also taken care of by the UK. The management team for the UK is based here in London, and it is the European management team. TikTok Information Technologies UK, the company I work for, the company that provides the UK services, is ultimately owned by ByteDance Limited, which is a company outside China. ByteDance Limited has a number of investors. They are the big American investors. They are all listed on our website, [bytedance.com](https://bytedance.com), on the front page—they are the same investors that are part of the ongoing discussion—and the board of that company is five directors: Yiming Zhang, our CEO and founder; and the four heads of the big investors.

**Q23 - Damian Hinds:** What I am trying to understand is how separate it is from the existing entity. You may say that people's concerns are not legitimate, or they are nothing to worry about, but these concerns exist about the involvement with the Chinese Government and who ultimately sees and controls data. Although there are many complicated convolutions

we could go through around corporate structures, the basic point is that the IP is not being separated. Is that correct?

**Theo Bertram:** I completely understand your concern and I think it is entirely legitimate to ask about this. The reason we have set up the company in this way, this international business separated from China, owned by a parent company outside China, is in order to address these kinds of concerns. Beyond that, we have also worked with national security assessments in Australia and Germany, both of which have cleared us. We have also made the commitments around transparency, in that we have allowed people to come in and inspect the code—the algorithm—so that they can see there is nothing untoward happening. We also have strict data controls in place. What we have pledged globally in our business outside China is that instead of it just being me saying, “Trust us, there is secure access, there is no access to individual user data from China,” what we have also said is that we will allow a third party company, or indeed the regulator or national security investigators, to come in and inspect that code, or inspect our processes. The reason why we have done these things is because we do understand these concerns and we want to address them.

**Q101 - Damian Green:** From nowhere in the world can data be fed back to China, so even though your parent company is ultimately Chinese, the notorious Chinese information law does not apply to any data outside China?

**Theo Bertram:** Two things there. First of all, the parent company, as I explained to your colleague, is not ultimately Chinese, it is outside of China. The key board of directors, the key investors, are largely American. Secondly, yes, you are right: no employee in China can access TikTok data in the way that you are suggesting on behalf of the CCP to carry out mass surveillance. That is not possible.

### **Moderation of content that is critical of China**

In response to questioning from John Nicolson MP, Theo Bertram explained that TikTok does not block, remove, suppress or moderate content simply because it is critical of China.

**John Nicolson:** Once again to return to The Guardian report from last year, it leaked a document from TikTok. The document showed that moderators were being instructed to take down videos that were critical of China. I will quote exactly; this is a TikTok document. It referred to, “The distortion of

other countries' histories"—distortion. That is a Chinese propaganda term. It referred to the Tiananmen Square massacre, which you have agreed was a massacre, as an "incident". That is Orwellian to call it an incident. That is a TikTok document giving instructions to your moderators.

**Theo Bertram:** That is not our moderation policy. You can go on TikTok and check it for yourself.

**John Nicolson:** It is a TikTok document.

**Theo Bertram:** I also invite you to come and meet our content moderators. You can see our content moderation for yourself. You can meet that team. It is headed up by Cormac Keenan, who is my head of trust and safety in Dublin. You can meet the moderators that we have in London and I can promise you that our policies allow all these things. There is no political censorship of this kind. The management team in Europe would not allow it, nor would they allow it in the US. This does not happen on our platform.

**Q90 - John Nicolson:** It may happen elsewhere, and I can tell you what your official TikTok response was to this leak. You did not deny that these were instructions. In fact, you confirmed that these were instructions, but what you said was that the company had changed its policy in May 2019. Previously, you instructed your moderators to take down videos critical of China, specifically talking about incidents in Tiananmen Square, separatism in Tibet, all straight out of the Chinese Communist Party playbook. You confirmed that is what your moderators did, but your defence was that you had changed your policy in May 2019.

**Theo Bertram:** It is highly regrettable that that is what it was, but it is not our policy today, nor has it been for a long time.

**Q91 John Nicolson:** You can understand why we are all so suspicious, though, can you not? Throughout this session we have seen a whole series of very disturbing concessions from you about things that your company has done, that you have been caught doing, whether it comes to children, paedophilia, oppression of political views, suppression of political views, and your response always is and has been throughout that, "We're sorry about that but it's better now."

**Theo Bertram:** I do not think that is a fair characterisation of this—

**Q92 - John Nicolson:** I think that is what the write-up will show your answers have said. Finally, is it not the case that while you may have, under pressure from The Guardian and others, taken down content in the past and now revised your policy, on issues like Tiananmen Square and Tibet, the content may be kept up but your algorithms ensure that that content gets much more limited distribution than it should get?

**Theo Bertram:** That is completely untrue. I would say to you as well not only can you come and meet our content moderation team, but we allow people to come and inspect our algorithm. I worked for eight years at Google. I never would have been able to say that to you when I worked there. Now that I am here at TikTok we know that people have these concerns and we know it is because we have this question about China hanging over us. That is why, as I have consistently said through this hearing, we are committed to a higher level of transparency than anyone else because we want to prove that our platform does not have any influence from China.

### **ersonal views on treatment of the Uyghurs**

John Nicolson MP cross-examined Theo Bertram on his personal views on the treatment of Uyghur Muslims.

**Q80 - John Nicolson:** Moving on, can I ask you whether or not employees and directors of TikTok are free to express their own views on issues?

**Theo Bertram:** Yes.

**Q81 - John Nicolson:** Okay, good. Running through a few contentious issues, what is your view about the treatment of Uighur Muslims by the Chinese authorities?

**Theo Bertram:** I am sure I am reading the same news reports that are dribbling out in increasing numbers from China. Personally, I am deeply concerned about that, and I think this House, this Government and western countries are right to be demanding answers from China on the issue of human rights.

**Q82 - John Nicolson:** For instance, you will have seen the very powerful news reports from well-regarded news agencies. Do you yourself believe, when you read it, that women are being forcibly sterilised, that there are

concentration camps and that people are being tortured? Do you believe that?

**Theo Bertram:** I see all the same stuff that you are seeing and I also see the somewhat less convincing answers that the [Chinese] Government are giving on the other side, so, yes, I absolutely share the concern that you have on this issue.

**Q83 - John Nicolson:** We are all concerned, but do you believe the reports about the torture of the Uighur Muslims?

**Theo Bertram:** I think the evidence is increasingly strong, if you are asking me personally.

#### **How TikTok handles content relating to the Uyghur**

In response to questioning from Julie Elliott MP, Theo Bertram explained that TikTok does not censor, block or restrict content that is critical of China's treatment of the Uyghurs.

**Q61 - Julie Elliott:** TikTok has been criticised for its policies that reportedly have censored issues politically sensitive to the CCP, including the repression of Uighurs, Taiwan, and Tibet. The Guardian and The Intercept have reported on leaked documents that show that people may be banned for criticising the military or China's repression of the Uighurs and discussing incidents such as the Tiananmen Square incident, among other things. Do you accept that such policies are corrosive and unacceptable?

**Theo Bertram:** Yes, I totally agree with you. Those are not our policies.

**Q62 - Julie Elliott:** Why do you think it has been reported that they are your policies if they are not your policies, as you have said?

**Theo Bertram:** I think there are deep concerns about Xinjiang, about what is happening there. I think that there are broader concerns around China and China's role in the world, and I think that those concerns are projected on to TikTok, but I don't think they are always fairly projected on to TikTok. TikTok is not the same thing as China. Those are not our policies. You can go on to the app and search for any of those terms and you will find content.

#### **the case of Feroza Aziz**

John Nicolson raised the case of Feroza Aziz, whose video criticising the Chinese treatment of Uighur Muslims was wrongly removed from TikTok.

Theo Bertram explained in detail what happened in this case and why it is not representative of TikTok's moderation practices.

**Q88 - John Nicolson:** I am interested in your answers because your company apologised to Feroza Aziz last year. She was an American teenager and her account was banned by TikTok after she posted videos highlighting Chinese oppression of the Uighur Muslims. Does that say something about the corporate culture of TikTok?

**Theo Bertram:** No. Let me explain what happened there. In this instance Feroza Aziz posted a video that contained an image of Osama bin Laden. We then blocked her account in terms of our mechanisms. It took some time for that account to be blocked. She created another account where she posted this video. Because of our systems attempting to take people down when they have posted content that is terrorist-related, we then took down that video that she had posted about Uighur Muslims. We should not have taken down that video about Uighur Muslims and we allowed her to keep that back up and we apologised to her. But I do not think it is fair to take that single incident and to say that that is reflective of TikTok as a whole. I encourage you to go on TikTok and search for Uighur Muslims. I can understand your line of questioning but what I am saying to you is that TikTok is a business outside of China. TikTok in the UK is led by a European management team that have the same concerns and the same worldview that you do. We care about our users and our community cares about TikTok

## **5. Questions received from the Select Committee**

**5.1 Do any of your organisation's value chains link directly or indirectly to the Xinjiang Uyghur Autonomous Region (XUAR) of China, and what steps are you taking to ensure that you have visibility of your entire value chain?**

TikTok does not operate in China and, as a software company, does not have value chains in the way this inquiry is exploring.

**5.2 Do you identify sourcing geographies for the delivery of services or the manufacturing of goods where there is a high risk of human rights abuse?**

TikTok does not manufacture goods, it offers access to online services. Using manual and online assessment tools we make compliance assessments of our suppliers and the geographies in which they operate.

### **5.3 What actions are you taking to prevent modern slavery and human rights abuses within your organisation and its value chains?**

We comply with the requirements of the [Modern Slavery Act 2015](#) and have published this [document](#) outlining our commitments. We also have due diligence assessment processes which help us determine suitability of suppliers with whom we engage.

### **5.4 What evidence can you supply of compliance with all applicable labour, procurement and anti-slavery laws?**

Our procurement and legal teams assess suitability of suppliers through manual and technology due diligence tools and obtain applicable contractual undertakings from our suppliers with regard to their performance of services to us. We iterate our contracting processes like any growing company.

### **5.5 What are your human rights due diligence processes in respect of your workers and value chains?**

Every employee has a written contract of employment. We also pay their salary to their personal bank accounts.

We review suppliers through a mix of manual review processes and online technologies, for example the *Ariba* Due Diligence and Assessment Database service.

### **5.6 What action does your organisation take - beyond publishing a Modern Slavery Statement and including contractual obligations with suppliers - to ensure modern slavery compliance in your value chain?**

We are a member of the BSR, a global nonprofit organization that seeks to advance cross-industry progress to combat modern slavery in global supply chains.

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