

PRESS RELEASE

Wageningen, The Netherlands, 21 September 2020

In response to Amnesty International's report "Out of Control: Failing EU Laws for Digital Surveillance Export", published on 21 September 2020, Noldus Information Technology wishes to share the following information with the press.

CEO Lucas Noldus:

- "We develop software for behavioral research and training, performed under scrutiny of ethical boards and with informed consent by participants and full respect of privacy. Our software cannot be used for mass surveillance and does not pose a risk to human rights."
- "We regret that Amnesty has declined our offers to inspect our software for an assessment of the technology, which has resulted in misleading assumptions and insinuations about its functionality. Amnesty also has not presented a single piece of evidence that the use of our software has led to human rights violations, yet it makes far-reaching statements about the risks associated with our sales to Chinese research organizations. It is shocking that a well-respected NGO points fingers at companies regarding due diligence practices but does not apply proper due diligence itself before publishing allegations."
- "We support Amnesty's plea for stricter Dual Use regulations to control the export of surveillance technology, as long as the discussion about risks of digital technology for human rights is based on evidence, not suspicions or assumptions."

Detailed statements:

1. **Noldus Information Technology does not manufacture digital surveillance tools.** Our company develops software for the study of human behavior, performed by psychologists, consumer scientists, ergonomists, etc. around the world in universities and governmental research institutes, under scrutiny of ethical boards and with informed consent by participants and full respect of privacy. Typical use cases are research on mother-child interaction, play behavior, communication, learning, eating behavior, medical skills training, etc. The software that Amnesty refers to runs on a single PC in a laboratory, with 1 or 2 subjects in an observation room and a researcher recording and analyzing their behavior. It is technically impossible to use these tools for mass surveillance. This was also confirmed by Amnesty themselves, who state in their report that The Observer XT and FaceReader software are **not** suited for mass surveillance.
2. **Amnesty refused to see the products it is judging.** We have repeatedly offered to the Amnesty staff in Amsterdam and London to provide a demonstration of our software, and trial copies of the software so that they could try it out themselves and assess what technology it concerns, but they have unfortunately declined these offers. As a result, the authors of the report have no working knowledge of what the software actually does, yet they make misleading assumptions and insinuations about its functionality.
3. **Noldus software does not pose a risk to human rights.** In the more than 30 years that our company has been developing research tools, we have never come across a single instance where human rights were violated with the aid of our software. Amnesty International also has not presented a single piece of evidence that human rights violations have occurred, nor has it presented a single example of how our software could be a risk to human rights. Regarding the sales to Shihezi University and Xinjiang Normal University, Amnesty admits that "our research did **not** investigate direct links between the university projects involving Noldus products and the expansion of state surveillance and control in Xinjiang". These universities, and many others in China, purchased our tools for developmental and educational psychology research, common application areas in

academic research around the world, during a nationwide program to improve research infrastructure in Chinese universities.

4. **Noldus has strict ethical and sales policies in place.** In order to take away any suspicion about potential abuse of our products, we have designed and implemented (in 2019) a strict sales policy and due diligence procedure, which forbids – among others – the use of our tools for surveillance of people in public spaces for security purposes. In case of sales to defense and law enforcement organizations, we demand a signed end-use statement from the customer, which must be approved by our CEO. We have shared our sales policy with the Ministry of Foreign affairs, the Dutch Customs (Export Control), the Dutch Embassy in Beijing, ethics experts and Amnesty International. We have received positive feedback from all parties and believe this will help in assuring that our software continues to be used for scientific research applications that benefit human kind. We are pleased that our move is also recognized by Amnesty, who write “Amnesty International is hoping to see the voluntary steps that are now taken by this exporter of emotion recognition technology becoming mandatory for the whole industry.”
5. **Noldus adheres to international laws and guidelines.** Noldus Information Technology adheres to the OECD Guidelines for Multinational Enterprises and the United Nations Guiding Principles on Business and Human Rights. When assessing applications of our products and their adherence to ethical standards, we follow the relevant treaties ratified by the member states of the United Nations. In audits in 2019/2020, the Dutch Ministry of Foreign Affairs and the Dutch Customs (Export Control) have confirmed that Noldus does not produce or supply any products that fall under the Dual Use regulation, and that no export permit is required for any of them.
6. **Amnesty has failed to apply due diligence in its investigation.** It is shocking and disheartening to notice that a well-respected NGO points fingers at companies regarding due diligence practices but does not apply proper due diligence itself before publishing allegations. Refusing to see the products that they are referring to and failing to provide any evidence of human rights violations severely undermines its case. With respect to Noldus Information Technology, all Amnesty’s allegations are based on assumptions, insinuations and conjecture.
7. **Amnesty’s definition of digital surveillance tools is too broad.** The definition of digital surveillance technologies proposed by Amnesty is much wider than video surveillance in the public space. It includes all measurement equipment used in research on human behavior, such as video technology, observational coding tools, face reading software, eye tracking systems, physiological data acquisition systems. So when Amnesty writes “Selling digital surveillance technology to a country such as China contributes to the significant risk to human rights”, which can be read as “these tools should not be sold to China”, Amnesty is basically saying: European companies should not help China to solve Alzheimer’s Disease, or to increase safety in aviation, or to increase safety of medical procedures, or to improve the usability of digital services, to mention just a few applications of our products. We hope that is not what Amnesty wants to achieve.
8. **Noldus supports Dual Use regulations.** We agree with Amnesty that the miss-use of technology that could potentially violate human rights should be prevented at all time. We also understand and support Amnesty’s plea for stricter Dual Use regulations to control the export of mass surveillance technology. However, Noldus Information Technology does not make surveillance systems and we are not active in the public security market, so we don’t understand why Amnesty included our company in their report. The discussion about risks of digital technology for human rights should be based on evidence, not suspicions or assumptions. Amnesty’s focus should have been on technologies that form a risk to human rights, and Noldus’ tools don’t do that.

9. **Noldus looks at the future.** Noldus Information Technology will follow any change in EU export legislation. We have given our full cooperation to Amnesty's research, answering all questions and explaining in detail the applications of our software and our business in China. Despite the misleading assumptions and insinuations in the report, we will continue our discussions with Amnesty International. In the end, we have the same goal: we both want to make the world a better place.

Further reading

- General company information: <https://www.noldus.com/about-noldus>
- The Observer XT software: <https://www.noldus.com/observer-xt>
- FaceReader software: <https://www.noldus.com/facereader>
- Ethical policy: <https://www.noldus.com/about-noldus/ethics-face-reading>

Contact information

For further information, or for a demonstration or trial license of The Observer XT or FaceReader software, contact:

Noldus Information Technology BV
Attn: Press Communications
Wageningen, The Netherlands
Phone: +31-317-473300
Email: press@noldus.nl