

Via e-mail at shareholderproposals@sec.gov

Securities and Exchange Commission
Office of the Chief Counsel
Division of Corporation Finance
100 F Street, NE
Washington, DC 20549

November 12th, 2020

Re: Request by Apple Inc. to omit proposal submitted by SumOfUs

Ladies and Gentlemen,

Pursuant to Rule 14a-8 under the Securities Exchange Act of 1934, SumOfUs, on behalf of Neville Austin, Wendy Brown, John Harrington, and Pamela Koslyn; Trillium Asset Management; Boston Common Asset Management; and The Catherine Donnelly Foundation (together, the “Proponents”) submitted a shareholder proposal (the “Proposal”) to Apple Inc. (“Apple” or the “Company”). The Proposal asks Apple’s board of directors to report annually to shareholders regarding Apple’s “management systems and processes for implementing its human rights commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such commitments; and a description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.” The Proposal aims to provide shareholders with sufficient information to evaluate how effectively Apple is operationalizing these human rights commitments.

In a letter to the Division dated October 16, 2020 (the “No-Action Request”), Apple stated that it intends to omit the Proposal from its proxy materials to be distributed to shareholders in connection with the Company’s 2021 annual meeting of shareholders. Apple argues that it is entitled to exclude the Proposal in reliance on Rule 14a-8(i)(10), on the ground that it has substantially implemented the Proposal. Because Apple has not provided most of the information the Proposal requests, it has not met its burden of showing it is entitled to omit the Proposal, and the Proponents respectfully request that Apple’s request for relief be denied.

The Proposal

The Proposal states:

Resolved: Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such commitments; and a description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

The Standard for Substantial Implementation

Rule 14a-8(i)(10) allows a company to exclude a proposal that has been substantially implemented. A proposal need not be “fully effected” to be considered substantially implemented, but a company’s own practices must “compare favorably” to the request set forth in the proposal to justify exclusion. Another way the Division’s Staff has expressed the standard is that a substantially implemented proposal satisfies the “essential objectives” of the proposal. Here, the essential objective of the Proposal is a full understanding of the ways in which Apple is operationalizing its commitment to free expression and access to information.

The No-Action Request tries to create the impression of substantial implementation by citing to and quoting from numerous documents. These atmospheric, however, cannot hide the fact that Apple's disclosure falls far short of what the Proposal seeks. Many of the documents to which Apple points deal with matters, such as privacy and human rights in the supply chain, that are not responsive to the Proposal. Others glancingly mention freedom of expression or access to information, but do not provide concrete information regarding implementation of commitments. Apple's existing disclosures, then, do not compare favorably with the Proposal's requests or satisfy the Proposal's essential objective.

The Proposal's Elements

The Proposal seeks information on the following information relevant to Apple's implementation of its human rights commitments regarding freedom of expression and access to information:

1. Management systems and processes
2. Oversight mechanisms
3. Description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information

Management Systems and Processes

The Proposal asks Apple to disclose the management systems and processes it uses to implement its commitment to freedom of expression and access to information. The U.N. Guiding Principles on Business and Human Rights ("UNGPs"), on which Apple claims to base its human rights approach, state that a company should embed its human rights commitments "from the top of the business enterprise through all its functions." Examples of such mechanisms include senior-level oversight, due diligence, training, stakeholder engagement and grievance mechanisms.

According to Apple, disclosure substantially implementing this element of the Proposal can be pieced together from information in eleven sources: its Human Rights Policy, Business Conduct Policy, Business Conduct Helpline FAQ, App Store Review Guidelines, Privacy Governance webpage, Privacy Policy, Transparency Report, Legal Process Guidelines, Supplier Code of Conduct, Supplier Responsibility Standards, and 2020 Supplier Responsibility Progress Report.

The No-Action Request puts a great deal of stock in Apple's Human Rights Policy, which states:

Hand in hand with the privacy of our users is our commitment to freedom of information and expression. Our products help our customers communicate, learn, express their creativity, and exercise their ingenuity. We believe in the critical importance of an open society in which information flows freely, and we're convinced the best way we can continue to promote openness is to remain engaged, even where we may disagree with a country's laws.

That aspirational language is as far as the Human Rights Policy goes, though. It does not describe any mechanisms for implementing that commitment. It touts the power of "dialogue—and a belief in the power of engagement" to drive solutions to protect users' privacy, ability to express themselves and access to reliable information but does not describe how that process works, with whom Apple engages, or any specific mechanisms Apple uses.

The management systems and processes to which Apple points in the No-Action Request are unresponsive to the Proposal. That Apple's products are designed to promote communication and creativity and to be accessible to disabled users do not directly bear on freedom of expression or access to information. Nor does the wide variety of news sources included in Apple News. Workers' right to freedom of association—the right to form a union—is irrelevant to the subject of the Proposal.

Apple asserts that it educates employees on its human rights commitments, including freedom of expression and access to information. But the sources Apple cites do not bear that out. The training described in the Human Rights Policy itself is limited to workplace and supply chain issues. Apple seems to concede this point in the No-Action Request, stating that “19.4 million supplier employees were trained *on their workplace rights* and 52,000 employees were interviewed about their *workplace experience*.” The Business Conduct Policy, training on which is referenced in the Human Rights Policy and on page 6 of the No-Action Request, does not address human rights—except to make a circular reference back to the Human Rights Policy—or the more specific rights to freedom of expression and access to information. Thus, the Business Conduct Policy is irrelevant to the Proposal.

Where human rights standards conflict with national law—as can be the case with freedom of expression and access to information—the Human Rights Policy states simply that the Company will “respect national law while seeking to respect the principles of internationally recognized human rights.” It is unclear how Apple does this in practice. For example, we have advocated that Apple constitute a working group to explore alternative channels for distributing apps to iOS users in China. The Proposal’s goal is to move beyond general statements like those in Apple’s Human Rights Policy to the systems and processes Apple uses to embed its commitments in its operations.

Apple claims that it conducts human rights due diligence to identify and mitigate risks and remedy adverse impacts, as described by the UNGPs. However, Apple’s disclosures do not describe any of the due diligence activities the UNGPs recommend, such as holding meaningful consultation with stakeholders, integrating findings into company operations, or tracking the effectiveness of responses. The representation that Apple conducts human rights due diligence is not equivalent to disclosure of management systems and processes.

Finally, Apple tries to blur the line between privacy, on the one hand, and freedom of expression and access to information, on the other, urging that “providing user information to governments or third parties could adversely affect users’ ability or desire to freely communicate on Apple devices.” But the fact that disrespect for users’ privacy could make Apple’s products less appealing does not erase the distinction between these issues. Privacy encompasses the collection, storage, security and sharing of user data, while freedom of expression relates to users’ speech. Thus, disclosure on Apple’s privacy practices does not count toward substantial implementation of the Proposal.

Apple’s detailed discussion of privacy governance is noteworthy in one respect: The contrast between that discussion and the lack of information on governance related to freedom of expression and access to information is striking. The Privacy Governance website describes the membership and functions of Apple’s Privacy Steering Committee and explains the role of that committee as an “escalation point for addressing privacy compliance issues.” It also explains the Company’s privacy safeguards, privacy incident response process, how the Company oversees third parties that host or manage for which Apple is responsible and the specialized privacy training provided to certain employees. Although the site mentions that reviewers who conduct Privacy Impact Assessments of products and services are trained to identify potential threats to free expression, it is unclear whether and how that information is used by Apple. The Proposal’s objective is to prompt similarly detailed disclosure regarding how Apple implements its commitments to freedom of expression and access to information.

Oversight Mechanisms

Apple urges that board oversight of its implementation of commitments regarding freedom of expression and access to information is explained so fully in the Company’s Human Rights Policy, Corporate Governance Guidelines, Privacy Governance webpage, and Audit and Finance Committee Charter as to substantially implement that element of the Proposal. As discussed above, disclosures regarding privacy governance, including the Finance Committee’s oversight of privacy and data security risks, are not relevant to the Proposal. That leaves only two items:

1. Implementation of the Human Rights Policy is overseen by Apple’s Senior Vice President and General Counsel (Human Rights Policy)
2. The Board “oversee[s] management in the ethical operation of the Company” (Corporate Governance Guidelines)

Apple does not provide any reason to conclude that the “ethical operation of the Company” encompasses freedom of expression and access to information. The No-Action Request makes no effort to define ethical operation or identify documents that might guide one’s interpretation of the phrase. Apple’s Corporate Governance Guidelines do not define ethics or ethical operations, though they group ethics with conflicts of interest. The Business Conduct Policy uses “ethical standards” in its definition of “Honesty,” cautions that business intelligence should not be obtained by illegal or unethical means and warns that use of confidential nonpublic information may be unethical. None of these uses of the terms ethics and ethical suggest that they are intended to refer to rights conferred on users of Apple’s products. As a result, a statement regarding the board’s oversight of management’s ethical operation of the company cannot be deemed to substantially implement the Proposal’s request for specific disclosure on oversight of Apple’s commitment to freedom of association and access to information.

Nor does Apple’s single statement regarding the SVP/GC’s responsibility for implementation of the Human Rights Policy constitute disclosure of oversight *mechanisms*. As discussed above, Apple’s Privacy Governance website provides examples of oversight mechanisms in the Privacy Steering Committee, engagement with stakeholders around privacy and privacy impact assessments, which facilitate identification of potential privacy problems and mitigation of privacy-related risks. Likewise, in the setting of workplace human rights, Apple discloses that it uses regular and independent audits and an anonymous reporting system, both examples of oversight mechanisms. Apple identifies no such mechanisms applicable to freedom of expression or access to information.

Actions Apple Has Taken in Response to Government or Other Third-Party Demands

Apple claims that its Transparency Report and Human Rights Policy adequately describe the actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information. But the Human Rights Policy does not, as Apple claims, describe “several management systems and processes that the Company uses to adhere to its commitments to freedom of expression and access to information.” The Human Rights Policy states only that “at times there are complex issues about which we may disagree with governments and other stakeholders on the right path forward” and that Apple “tr[ies] to find the solution that best serves [its] users” through dialogue and engagement.” That vague language cannot fairly be characterized as describing concrete actions Apple has taken.

The Transparency Report does include data on actions taken in response to requests for app removal and third-party data requests. For app removals, for example, the Transparency Report discloses the number of requests received, the number of apps specified in the requests, the number of requests that were objected to in part or rejected in full, the number of apps removed, the number of appeals received and granted, and the number of apps reinstated.

But it is not possible to tell from the data in the Transparency Report which requests involved potential threats to freedom of expression and access to information, which is what the Proposal seeks.

App removal requests are classified as either based on a “legal violation,” which is defined as requests “to remove an app from the App Store based on alleged/suspected violations of local law, for example, law enforcement or regulatory agencies suspect an app may be unlawful or relate to/contain unlawful content,” or on a “platform violation,” which Apple describes as requests “to remove an app from the App Store based on alleged/suspected violations of App Store platform policies, for example, law enforcement or regulatory agencies suspect an app may violate the App Store platform policies or relate to/contain content violating platform policies.” The country-specific reports provide rough categories for actions. For example, the China report lists four types of requests for customer data—“Device,” “Financial Identifier,” “Account,” and “Emergency”—and four “Matters of Note,” which are equally unhelpful:

1. “High number of devices specified in requests predominantly due to a tax investigation”
2. “High number of accounts specified in requests predominantly due to a financial fraud investigation”

3. "Requests [for app removal] predominantly related to apps with pornography, illegal content, and apps operating without government license"
4. "Requests related to gambling apps violating App Store Review Guidelines"

While the Transparency Report is useful in understanding the totality of Apple's actions in response to government and other third-party requests, there is no way for a reader to discern which requests were reasonably likely to limit free expression or access to information, the essential objective of the Proposal. By contrast, Google's reporting highlights "requests that are of public interest," including enough detail that one can identify requests that implicated free expression or access to information: Its China report notes that Google received 146 requests from the Ministry of Public Security of China to remove 1471 YouTube URLs allegedly featuring content related to the East Turkestan Islamic Movement (ETIM) . . . "We removed 38 URLs for violating YouTube's community guidelines. We age-restricted 200 URLs for containing graphic or violent content. We did not remove the remaining 1233 URLs." Without such descriptions, Apple's disclosures in the Transparency Report thus fall far short of substantially implementing the Proposal.

* * *

For the reasons set forth above, Apple has not satisfied its burden of showing that it is entitled to omit the Proposal in reliance on Rule 14a-8(i)(10). The Proponents thus respectfully request that Apple's request for relief be denied.

The Proponents appreciate the opportunity to be of assistance in this matter. If you have any questions or need additional information, please contact me at (415) 960-7920.

Sincerely,

Vicky Wyatt
Campaign Director, SumOfUs

cc: Sam Whittington, Assistant Secretary, Apple Inc.
Trillium Asset Management
Boston Common Asset Management
The Catherine Donnelly Foundation



October 16, 2020

VIA ELECTRONIC MAIL

Office of the Chief Counsel
Division of Corporation Finance
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549

Re: **Apple Inc. Shareholder Proposal Submitted by SumOfUs et al.**

Ladies and Gentlemen:

This letter is submitted pursuant to Rule 14a-8(j) under the Securities Exchange Act of 1934, as amended. Apple Inc., a California corporation ("**Apple**" or the "**Company**"), has received a shareholder proposal (the "**Proposal**") and related supporting statement (the "**Supporting Statement**") submitted by SumOfUs, on behalf of Neville Austin, Wendy Brown, John Harrington, and Pamela Koslyn; Trillium Asset Management, LLC; Boston Common Asset Management, LLC; and The Catherine Donnelly Foundation (together the "**Proponents**") for inclusion in the Company's proxy statement (the "**Proxy Materials**") for the Company's 2021 Annual Meeting of Shareholders (the "**Annual Meeting**"). A copy of the Proposal and the Supporting Statement, together with other correspondence relating to the Proposal, is attached hereto as [Exhibit A](#). The Company hereby advises the staff of the Division of Corporation Finance (the "**Staff**") that it intends to exclude the Proposal from its Proxy Materials. The Company respectfully requests confirmation that the Staff will not recommend enforcement action to the Securities and Exchange Commission (the "**Commission**") if the Company excludes the Proposal pursuant to Rule 14a-8(i)(10), as the Proposal has been substantially implemented.

By copy of this letter, the Company is advising the Proponents of its intention to exclude the Proposal. In accordance with Rule 14a-8(j)(2) and Staff Legal Bulletin No. 14D, the Company is submitting by electronic mail (i) this letter, which sets forth its reasons for excluding the Proposal; and (ii) the Proponents' letter submitting the Proposal.

Pursuant to Rule 14a-8(j), the Company is submitting this letter not less than 80 days before the Company intends to file its Proxy Materials and is sending a copy of this letter concurrently to the Proponents.

I. The Shareholder Proposal.

The Proposal, in material part, requests that the Company's shareholders approve the following:

"Resolved: Shareholders of Apple Inc. ("Apple" or the "Company") request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential

and proprietary information, on Apple's management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such commitments; and a description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information."

II. Basis for Exclusion – The Proposal Has Been Substantially Implemented by the Company in Accordance with Rule 14a-8(i)(10).

The Company requests that the Staff concur in its view that the Company may exclude the Proposal from the Proxy Materials pursuant to Rule 14a-8(i)(10) because, based on the Company's existing reports and disclosure, the Company has already substantially implemented the Proposal. The Company recently published its Human Rights Policy in August 2020 and, as described in greater detail in Section II.B of this letter, the Company's existing reports and disclosure describe Apple's implementation of and oversight mechanisms for administering its Human Rights Policy commitments regarding freedom of expression and access to information, as well as actions Apple has taken in response to government or third-party demands that were reasonably likely to limit freedom of expression or access to information. These disclosures include Apple's:

- *Human Rights Policy, Business Conduct Policy, Business Conduct Helpline FAQ, App Store Review Guidelines, Privacy Governance webpage, Privacy Policy, Transparency Report, Legal Process Guidelines, Supplier Code of Conduct ("Supplier Code"), Supplier Responsibility Standards ("Supplier Standards"), and 2020 Supplier Responsibility Progress Report ("2020 Progress Report"),* which outline Apple's management systems and processes for implementing its Human Rights Policy commitments, including with regard to freedom of expression and access to information;
- *Human Rights Policy, Corporate Governance Guidelines, Privacy Governance webpage, and Audit and Finance Committee Charter,* which describe the oversight mechanisms for administering the Company's Human Rights Policy commitments, including with regard to freedom of expression and access to information; and
- *Transparency Report and Human Rights Policy,* which detail specific actions the Company has taken in response to requests from governments and third parties for customer information, account removal or suspension and content removal, including requests that may limit free expression or access to information.

A. Rule 14a-8(i)(10)

Rule 14a-8(i)(10) provides that a company may exclude a shareholder proposal from its proxy materials if the company has substantially implemented the proposal. In explaining the scope of a predecessor to Rule 14a-8(i)(10), the Commission stated that the exclusion is "designed to avoid the possibility of shareholders having to consider matters which already have been favorably acted upon by the management." Exchange Act Release No. 12598 (July 7, 1976)

(discussing the rationale for adopting the predecessor to Rule 14a-8(i)(10), which provided as a substantive basis for omitting a shareholder proposal that “the proposal has been rendered moot by the actions of the management”). At one time, the Staff interpreted the predecessor rule narrowly, considering a proposal to be excludable under this provision only if it had been “fully effected” by the company. See Exchange Act Release No. 19135 at § II.B.5. (Oct. 14, 1982). By 1982, however, the Commission recognized that the Staff’s narrow interpretation of the predecessor rule “may not serve the interests of the issuer’s security holders at large and may lead to an abuse of the security holder proposal process,” in particular by enabling proponents to argue “successfully on numerous occasions that a proposal may not be excluded as moot in cases where the company has taken most but not all of the actions requested by the proposal.” *Id.* Accordingly, the Commission proposed in 1982, and adopted in 1983, a revised interpretation of the rule to permit the omission of proposals that had been “substantially implemented.” See Exchange Act Release No. 20091, at § II.E.6. (Aug. 16, 1983) (the “**1983 Release**”) (indicating that the Staff’s “previous formalistic application of” the predecessor rule “defeated its purpose” because the interpretation allowed proponents to obtain a shareholder vote on an existing company policy by changing only a few words of the policy). The Commission later codified this revised interpretation in Exchange Act Release No. 40018 at n.30 (May 21, 1998). Accordingly, the actions requested by a proposal need not be “fully effected” by the company to be excluded; rather, to be excluded, they need only to have been “substantially implemented” by the company. See the 1983 Release.

Applying this standard, the Staff has noted that “a determination that the company has substantially implemented the proposal depends upon whether [the company’s] particular policies, practices, and procedures compare favorably with the guidelines of the proposal.” *Texaco, Inc.* (avail. Mar. 28, 1991). Thus, when a company has already taken action to address the underlying concerns and essential objectives of a shareholder proposal, even though the company did not take the exact action requested by the proponent, did not implement the proposal in every detail, or exercised discretion in determining how to implement the proposal, the proposal has been “substantially implemented” and may be excluded. See, e.g., *PPG Industries Inc.* (avail. Jan. 16, 2020); *Bank of New York Mellon Corp.* (avail. Feb. 15, 2019); *Exelon Corp.* (avail. Feb. 26, 2010); *Exxon Mobil Corp.* (Burt) (avail. Mar. 23, 2009); *Anheuser-Busch Companies, Inc.* (avail. Jan. 17, 2007); *ConAgra Foods, Inc.* (avail. Jul. 3, 2006); *Talbots Inc.* (avail. Apr. 5, 2002); *Exxon Mobil Corp.* (avail. Jan. 24, 2001); and *The Gap, Inc.* (avail. Mar. 8, 1996).

The Staff has previously taken the position that a shareholder proposal requesting that a company’s board of directors prepare a report pertaining to environmental, social, or governance issues may be excluded when the company has provided information about the initiative in various public disclosures. See *PPG Industries Inc.* (avail. Jan. 16, 2020) (concurring with the exclusion of a proposal requesting that the board of directors prepare a report on the company’s processes for “implementing human rights commitments within company-owned operations and through business relationships” where the requested information was already disclosed in the company’s global code of ethics, global supplier code of conduct, supplier sustainability policy, and sustainability report, and other disclosures that addressed the requested information); *The Wendy’s Company* (avail. Apr. 10, 2019) (concurring with exclusion of a proposal requesting that the board of directors prepare a report on the company’s process for identifying and analyzing potential and actual human rights risks of operations and supply chain where the company already had a code of conduct for suppliers, a code of business conduct and ethics, and other policies and public disclosures concerning supply chain practices and other human rights issues

that achieved the proposal’s essential objective); *The Dow Chemical Co.* (avail. Mar. 5, 2008) (concurring with exclusion of a proposal requesting that the board of directors prepare a report discussing how the company’s efforts to ameliorate climate change have affected the global climate where the company had already made statements about its efforts related to climate change in various corporate documents and disclosures); *Mondelez International, Inc.* (avail. Mar. 7, 2014) (concurring that a proposal urging the board of directors to prepare a report on the company’s process for identifying and analyzing potential and actual human rights risks in its operations and supply chain was substantially implemented through relevant information on the company’s website); and *The Gap, Inc.* (avail. Mar. 16, 2001) (concurring that a proposal requesting that the board of directors prepare a report on child labor practices of company suppliers was substantially implemented when the company published information on its website with respect to the company’s vendor code and monitoring programs).

B. The Company’s Current Publicly-Disclosed Management Systems and Processes Substantially Implement the Proposal

As explained in its Human Rights Policy and in other Company disclosures, Apple is deeply committed to respecting internationally recognized human rights, including, in particular, freedom of expression and access to information. These human rights commitments drive Apple’s product design and engineering and are embedded in management’s operation of the business, including with respect to the handling of app removal requests and government or other third-party requests for user data, as well as the Company’s expectations for suppliers. Apple provides expansive public disclosure on these matters across multiple policies and reports in an effort to be transparent with stakeholders regarding the management systems, processes and oversight mechanisms that Apple employs to carry out its human rights commitments, including to freedom of expression and access to information.

As further described below, the Company’s current management systems and processes, as disclosed on the Company’s website, clearly reflect that the Company has substantially implemented the Proposal. As a result, it is unnecessary to submit the Proposal to shareholders for their consideration at the Annual Meeting as the Proposal has been substantially implemented.

1. The Company Already Reports on the Implementation of Its Human Rights Policy Commitments Regarding Freedom of Expression and Access to Information in Its Public Disclosures

Proposal Request
Report on “Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information.”
Key Responsive Disclosures
See Human Rights Policy ¹ at pages 2-4, Business Conduct Policy ² at pages 3-4, Business Conduct Helpline FAQ ³ , App Store Review Guidelines ⁴ , Privacy Governance website ⁵ , Privacy Policy ⁶ , Transparency Report ⁷ , Legal Process Guidelines ⁸ at page 1 (both U.S. and non-U.S. guidelines), Supplier Code ⁹ at page 3, Supplier Standards ¹⁰ at pages 32-34, and 2020 Progress Report ¹¹ at pages 16 and 104.

Apple has published multiple documents that describe the management systems and processes in place to implement its Human Rights Policy commitments regarding freedom of

expression and access to information. These include the Human Rights Policy, Business Conduct Policy and Business Conduct Helpline FAQ, Privacy Governance website, Legal Process Guidelines, Supplier Code, Supplier Standards, and 2020 Progress Report. The information provided in these documents, policies and reports demonstrate that Apple has substantially implemented the Proposal's request that Apple provide a report on management systems and processes for implementing its Human Rights Policy commitments regarding freedom of expression and access to information.

See Human Rights Policy¹ at pages 2-4. Apple's Human Rights Policy, which was approved by the Company's Board of Directors (the "**Board**") in 2020, states the Company's commitment to "respecting internationally recognized human rights in [its] business operations," including "freedom of information and expression." It further states that Apple "believe[s] in the critical importance of an open society in which information flows freely." The Human Rights Policy makes clear that Apple's approach to addressing human rights issues is based on the United Nations Guiding Principles on Business and Human Rights¹², the leading (and detailed) international standard.

The Human Rights Policy describes several management systems and processes that the Company uses with respect to its commitments to freedom of expression and access to information. First and foremost, Apple acts on these commitments through the products and services the Company creates and distributes to its users. Apple designs its products to "help [its] customers communicate, learn, express their creativity, and exercise their ingenuity." With services such as Apple News, Apple consolidates information and "make[s] it easy for [its] users to find timely information from the most trusted sources." The Human Rights Policy explains that all of Apple's services provide a "wide variety of options" for users to choose from, and notes that Apple "carefully review[s] the content on every Apple app and service against [its] guidelines and standards." Apple's commitments to human rights, including freedom of expression and access to information, intentionally include "creating the most accessible products and services in the world"—designing products to empower users, including those who may have hearing, vision, or physical limitations, further detailed at apple.com/accessibility/.

Furthermore, the Human Rights Policy clearly states Apple's approach to engagement with governments and stakeholders. As noted in the policy, Apple acknowledges that, while it is required to comply with local laws, it sometimes disagrees with governments and other stakeholders on the right path forward. However, "[w]ith dialogue, and a belief in the power of engagement, [Apple tries] to find the solution that best serves [its] users—their privacy, their ability to express themselves, and their access to reliable information and helpful technology." Accordingly, Apple "work[s] with a broad range of groups—including workers' rights advocates and local leaders—and consult[s] with stakeholders that include United Nations bodies, governments, nongovernmental organizations, and the world's leading human rights and labor experts," as it strives to make meaningful progress on its human rights commitments, including with respect to freedom of expression and access to information.

The Human Rights Policy also describes processes for educating employees about the Company's human rights commitments and identifying potential human rights violations, including with respect to freedom of expression and access to information. As noted in the Human Rights Policy, all Apple employees are required to be trained annually on the Business Conduct Policy, which requires employees to conduct business honestly and ethically and in full compliance with all laws and regulations. The policy also makes clear Apple's commitment

against “retaliation of any kind.” Further, the Company “conduct[s] human rights due diligence to identify risks and work[s] to mitigate them.” Apple “seek[s] to remedy adverse impacts, track and measure [its] progress, and report [its] findings.”

See Business Conduct Policy² at pages 3-4 and Business Conduct Helpline FAQ.³

As provided in the Company’s Business Conduct Policy, employees and others that do business with Apple are expected to report any possible violation of Apple policies or legal or regulatory requirements, which includes the Human Rights Policy. In the event of any report, the Business Conduct Helpline FAQ provides that Apple’s Business Conduct team will assist in the investigation. Failure to report a violation may result in disciplinary action up to and including termination of employment or other working relationship with Apple. The reporting system—including Apple’s strong commitments against retaliation— helps the Company assess and respond to any action that would be inconsistent with its commitments to freedom of expression and access to information.

See App Store Review Guidelines.⁴ Apple maintains clear guidelines for developers who wish to make their apps available in the App Store that are designed to protect users’ freedom of expression and access to information. As stated in these guidelines, Apple “strongly support[s] all points of view being represented on the App Store, as long as the apps are respectful to users with differing opinions and the quality of the app experience is great.” The guidelines set reasonable limitations on content for the protection of Apple’s users, providing that “apps should not include content that is offensive, insensitive, upsetting, intended to disgust, [or] in exceptionally poor taste,” including, for example, content that is defamatory or discriminatory, and require that apps comply with all applicable legal requirements. In addition, Apple sets requirements for data collection and storage as well as data use and sharing.

See Privacy Governance website⁵ and Privacy Policy.⁶ In September 2020, Apple updated its Privacy Governance website and it too underscores the Company’s commitment to freedom of expression and access to information. Apple recognizes that providing user information to governments or third parties could adversely impact users’ ability or desire to freely communicate on Apple devices. For this reason, as noted on the Privacy Governance website and as discussed more generally in Apple’s Privacy Policy, Apple does not provide user information to third parties where the information is requested “without a clear legal basis.” In addition, Apple collects “only the minimum amount of data necessary to provide [its] users with a product or service.” Apple has implemented a number of safeguards in this regard, including:

- deploying industry-leading consent mechanisms to allow customers to choose whether to share certain data with apps; and
- conducting Privacy Impact Assessments (“**PIAs**”) of its major products and services and integrating PIAs into the development of new products and services. As part of the PIA process, PIA reviewers are “trained to identify and highlight potential impacts to freedom of expression.”

Apple’s Privacy Governance website also discusses Apple’s engagement process, noting that Apple “regularly engages with a wide range of civil society representatives globally on various privacy and freedom of expression issues including privacy by design and encryption,” a further example of the Company’s disclosure on its commitment, as stated in the Human Rights Policy, to working with governments and other stakeholders to “find the solution that best serves

[its] users—their privacy, their ability to express themselves, and their access to reliable information and helpful technology.”

See Transparency Report⁷ and Legal Process Guidelines⁸ at page 1 (both U.S. and non-U.S. guidelines). Apple publishes a bi-annual Transparency Report, described further in Section II.B.3 below, which provides comprehensive information regarding specific requests from governments and third parties for customer information, account removal or suspension and content removal, including requests that are reasonably likely to limit free expression or access to information. The Transparency Report is premised on the belief that Apple’s “customers have a right to understand how their personal data is managed and protected.” Apple also maintains and publicly discloses Legal Process Guidelines for government and law enforcement agencies both within and outside the United States that seek information from Apple regarding users of Apple’s products and services. The Legal Process Guidelines outline what information may be available to governments and law enforcement agencies and describe Apple’s processes for reviewing these requests. The guidelines provide that a “trained team in [Apple’s] legal department reviews and evaluates all requests received, and requests which Apple determines to have no valid legal basis or considers to be unclear, inappropriate or over-broad are objected, challenged or rejected.” In short, the Legal Process Guidelines outline Apple’s processes for ensuring that government and law enforcement requests for Apple users’ information are in accordance with Apple’s policy commitments regarding freedom of expression and access to information.

See Supplier Code⁹ at page 3, Supplier Standards¹⁰ at pages 32-34, Human Rights Policy¹ at page 2, and 2020 Progress Report¹¹ at pages 16 and 104. Apple’s commitment to human rights extends to its expectations for how suppliers treat their employees and conduct their businesses. The Company’s Supplier Code, as well as the Supplier Standards, require suppliers to allow workers to freely associate “without interference, discrimination, retaliation, or harassment” and ensure that workers have an effective and accessible means of reporting grievances. Retaliation in any form is among the most serious types of violations of the Supplier Code and carries immediate commercial penalties.

As described in the Human Rights Policy, Apple provides mandatory training on labor and human rights for its suppliers. In addition, Apple conducts regular independent audits on supplier labor practices and annually reports its findings in an annual Supplier Responsibility Progress Report. As noted in the 2020 Progress Report, in 2019, 19.4 million supplier employees were trained on their workplace rights and 52,000 employees were interviewed about their workplace experience. Apple then made over 31,000 follow-up calls to participating workers to verify that they did not experience retaliation as a result of being interviewed during the assessment. In 2019, Apple found no “core violations” (the most serious category of violations) of its freedom of association and collective bargaining standard at its suppliers.

The numerous public disclosures summarized above provide an extensive description of Apple’s management systems and processes for implementing its Human Rights Policy commitments, including with respect to freedom of expression and access to information, and demonstrate that Apple has substantially implemented the Proposal’s request.

2. The Company Already Reports on the Oversight Mechanisms for Administering Its Human Rights Policy Commitments Regarding Freedom of Expression and Access to Information in Its Public Disclosures

Proposal Request
Report on “the oversight mechanisms for administering such policy commitments.”
Key Responsive Disclosures
See Human Rights Policy ¹ at page 4, Corporate Governance Guidelines ¹³ at page 1, Privacy Governance website ⁴ , and Audit and Finance Committee Charter ¹⁴ at page 7.

Apple has implemented a variety of oversight mechanisms to administer its policy commitments pertaining to freedom of expression and access to information, which are described in the Human Rights Policy, Corporate Governance Guidelines, Privacy Governance website, and Audit and Finance Committee Charter. The information provided in these documents demonstrates that Apple has substantially implemented the Proposal’s request that Apple report on the oversight mechanisms for administering its Human Rights Policy commitments regarding freedom of expression and access to information.

See Human Rights Policy¹ at page 4 and Corporate Governance Guidelines¹³ at page 1. As provided in the Human Rights Policy, which was approved by the Board, Apple’s Senior Vice President and General Counsel oversees the implementation of the Human Rights Policy, including with respect to the commitments to freedom of expression and access to information, and reports to the Board and its committees on the Company’s “progress and significant issues.” Further, as described in the Corporate Governance Guidelines, the Board is responsible for overseeing management in the ethical operation of the Company.

See Privacy Governance website⁴ and Audit and Finance Committee Charter¹⁴ at page 7. As disclosed in the Company’s Human Rights Policy, hand-in-hand with Apple’s “uncompromising commitment to security and user privacy” is Apple’s “commitment to freedom of information and expression.” With that fundamental framework, as disclosed on the Privacy Governance website, Apple maintains a “cross-functional” approach to privacy governance to help ensure that Apple’s disclosure of user data to governments and third parties does not discourage freedom of expression. Various members of management, including members of Apple’s Legal Team and Apple engineers, collaborate to ensure that information collected through the Company’s products and services is used only for the intended lawful purpose. Apple also has a Privacy Steering Committee, chaired by the General Counsel, that reviews privacy compliance issues for decision or further escalation. At the Board level, the Audit and Finance Committee of the Board is responsible for the oversight and monitoring of privacy and data security risks.

The public disclosures summarized above provide an extensive description of Apple’s oversight mechanisms for administering its Human Rights Policy commitments regarding freedom of expression and access to information, and demonstrate that Apple has substantially implemented the Proposal’s request.

3. The Company Already Reports on the Actions It has Taken in Response to Government or Other Third-Party Demands That Were Reasonably Likely to Limit Free Expression or Access to Information

Proposal Request
Provide a "description of the actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information."
Key Responsive Disclosures
See Transparency Report ⁷ and Human Rights Policy ¹ at page 2.

Apple's Transparency Report, which is updated bi-annually, and Human Rights Policy, provide details of the actions Apple has taken in response to government or other third-party requests for information and describe Apple's policy for complying with such requests, even when the Company may disagree with the government or other stakeholders on the right path forward. Taken together, these two documents provide an extensive and detailed description of the actions Apple has taken in response to government or other third-party demands and the policy reasons for taking those actions, and demonstrate that Apple has substantially implemented the Proposal's request.

See Transparency Report⁷ and Human Rights Policy¹ at page 2.⁷ In certain circumstances, the Company may be compelled by law to remove specific content from the Company's products or provide customer information to governments or third parties. The Company is committed to transparency in these situations and makes those app removal and third-party data requests, as well as its response to such requests, available to the public in the Transparency Report, which is available at apple.com/legal/transparency/. Apple's Transparency Report provides comprehensive information regarding specific requests from governments and third parties for customer information, account removal or suspension and content removal, including those that were reasonably likely to limit free expression or access to information.

App removal requests may ask Apple to remove an app from the App Store based on alleged or suspected violations of local law, for example, where law enforcement or regulatory agencies suspect an app may be unlawful or relate to or contain unlawful content ("**Legal Violation Requests**"). Other app removal requests may ask Apple to remove an app from the App Store based on alleged or suspected violations of App Store platform policies ("**Platform Violation Requests**"). Apple's Transparency Report discloses, by country or region, (i) the request type (Legal Violation Request or Platform Violation Request) (ii) the number of requests received, (iii) the number of apps specified in the request, (iv) the number of requests objected to in part or rejected in full, (v) the number of requests that resulted in an app being removed, (vi) the number of apps removed, (vii) the number of appeals received, (viii) the number of appeals granted and (ix) the number of apps reinstated. In addition, under "Matters of Note," Apple describes the nature of the content on the apps that governments in each country or region sought to remove. For examples of such disclosure, please see pages 18-23 of [Exhibit B](#) attached hereto.

In other cases, governments may request that the Company provide them with user information. Accordingly, Apple's Transparency Report discloses requests for customer data by country, including (i) the request type (device, financial identifier, account or emergency), (ii) the number of requests received, (iii) the number of identifiers specified in such requests, and (iv)

the number and percentage of requests where data was provided. For examples of such disclosure, please see pages 3-8 and 11-12 of [Exhibit B](#) attached hereto.

Governments may also seek restrictions on or deletion of user accounts. In light of the potential impact on its users' free expression, Apple discloses for each country, (i) the number of requests received, (ii) the number of accounts specified in the requests, (iii) the number of requests rejected or challenged where no action was taken, (iv) the number of requests where accounts were restricted, and (v) the number of requests where accounts were deleted. For examples of such disclosure, please see pages 9-10 of [Exhibit B](#) attached hereto.

Similarly, for U.S. private party (non-government) requests, which generally relate to instances where private litigants are involved in either civil or criminal proceedings, Apple reports (i) the number of requests received, (ii) the number of requests rejected or challenged where no data was provided, (iii) the number of requests where no data was provided, and (iv) the number and percentage of requests where data was provided. For examples of such disclosure, please see pages 16-17 of [Exhibit B](#) attached hereto.

The Transparency Report discloses the foregoing types of data requests as well as certain other categories of requests for six-month reporting periods (January 1 to June 30 and July 1 to December 31 of each year). Apple periodically reviews the type of information disclosed in the Transparency Report and modifies its content as appropriate to enhance transparency efforts. For example, starting with the Transparency Report period July 1 to December 31, 2019, Apple has reported on appeals it has received pursuant to government app removal requests and the outcome of those appeals.

See Human Rights Policy¹ at page 2. As described in Section II.B.1 of this letter, Apple's Human Rights Policy addresses Apple's commitment to engaging with governments and other third parties in the event of attempts to suppress freedom of expression or access to information by Apple's users and describes several management systems and processes that the Company uses to adhere to its commitments to freedom of expression and access to information.

This policy, when combined with the Transparency Report, provides a comprehensive description of the actions Apple has taken in response to government or other third-party demands and the policy reasons for taking those actions. Together, these documents demonstrate that Apple has substantially implemented the Proposal's request that Apple provide a description of the actions it has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

C. Staff Precedent Concurring with the Exclusion of Similar Shareholder Proposals Supports the Company's No-Action Request.

Where a company has demonstrated that it has already taken actions to address the underlying concerns and essential objectives of a shareholder proposal, the Staff has concurred that the proposal has been "substantially implemented" and may be excluded. As discussed in Section II.A of this letter, the Staff has permitted differences between a company's actions and a shareholder proposal if the company's actions satisfactorily address the proposal's essential objectives, even when the company did not take the exact action requested by the proponent, did not implement the proposal in every detail or exercised discretion in determining how to implement the proposal. See e.g., *PPG Industries Inc.* (avail. Jan. 16, 2020).

Here, the underlying concerns and essential objectives of the Proposal are transparency regarding Apple's implementation and oversight of its Human Rights Policy commitments regarding freedom of expression and access to information and the actions Apple has taken in response to government or third-party demands that were reasonably likely to limit free expression or access to information. With respect to the report requested in the Proposal, although the Human Rights Policy, Business Conduct Policy, Business Conduct Helpline FAQ, Privacy Governance website, Privacy Policy, Legal Process Guidelines, Supplier Code, Supplier Standards, Corporate Governance Guidelines, and Audit and Finance Committee Charter are not "reports" per se, when coupled with the Transparency Report and the 2020 Progress Report, the Proposal's underlying concerns and essential objectives are addressed in those documents and disclosures. Consistent with the factors that led to the Staff's concurrence in the precedent no-action letters cited in Section II.A of this letter, Apple has shown that it has already addressed the underlying concerns and essential objectives of the Proposal and therefore has substantially implemented the Proposal.

III. Conclusion.

For the reasons described above, it is the Company's view that it may exclude the Proposal from its Proxy Materials pursuant to Rule 14a-8(i)(10) because it has already substantially implemented the Proposal. We request that the Staff concur or, alternatively, confirm that the Staff will not recommend any enforcement action to the Commission if the Company so excludes the Proposal.

* * * *

If the Staff does not concur with the Company's position, we would appreciate an opportunity to confer with the Staff concerning this matter prior to the determination of the Staff's final position. In addition, the Company requests that the Proponents copy the undersigned on any response they may choose to make to the Staff, pursuant to Rule 14a-8(k).

Please contact the undersigned at (408) 966-1010 or by email at sam_whittington@apple.com to discuss any questions you may have regarding this matter.

Sincerely,



Sam Whittington
Assistant Secretary

Enclosures

cc: SumOfUs
Trillium Asset Management, LLC
Boston Common Asset Management, LLC
The Catherine Donnelly Foundation
Ian Schuman, Latham & Watkins LLP

-
- ¹ See https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf
 - ² See https://s2.q4cdn.com/470004039/files/doc_downloads/Business-Conduct-Policy.pdf
 - ³ See <https://secure.ethicspoint.com/domain/media/en/gui/48987/faq.html>
 - ⁴ See <https://developer.apple.com/app-store/review/guidelines/>
 - ⁵ See <https://www.apple.com/legal/privacy/en-ww/governance/>
 - ⁶ See <https://www.apple.com/legal/privacy/en-ww/>
 - ⁷ See <https://www.apple.com/legal/transparency/>
 - ⁸ See <https://www.apple.com/legal/privacy/law-enforcement-guidelines-us.pdf> and <https://www.apple.com/legal/privacy/law-enforcement-guidelines-outside-us.pdf>
 - ⁹ See <https://www.apple.com/supplier-responsibility/pdf/Apple-Supplier-Code-of-Conduct-January.pdf>
 - ¹⁰ See <https://www.apple.com/supplier-responsibility/pdf/Apple-Supplier-Responsible-Standards.pdf>
 - ¹¹ See https://www.apple.com/supplier-responsibility/pdf/Apple_SR_2020_Progress_Report.pdf
 - ¹² See https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf
 - ¹³ See https://s2.q4cdn.com/470004039/files/doc_downloads/2020/20200819-Corporate-Governance-Guidelines.pdf
 - ¹⁴ See https://s2.q4cdn.com/470004039/files/doc_downloads/2020/20200819-Audit-and-Finance-Committee-Charter.pdf

Exhibit A

Copy of the Proposal and Supporting Statement and Related Correspondence

Copy of the Proposal and Supporting Statement (as revised)

Resolved: Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such commitments; and a description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, which accounts for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Apple pulled The New York Times app in 2017 following a government request.

Such actions have been reported widely and create reputational risk. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁵ Article 14 states “Everyone has the right to freedom of opinion and expression.”⁶ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eea21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ https://twitter.com/tim_cook/status/1204424808697663488

⁶ <https://www.un.org/en/universal-declaration-human-rights/>

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁷ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁸

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices.⁹ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁸ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

⁹ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

Copy of Related Correspondence

From: Tim Brennan <tim@sumofus.org>
Subject: Proposal for 2021 AGM
Date: September 3, 2020 at 7:28:36 AM PDT
To: "shareholderproposal@apple.com" <shareholderproposal@apple.com>
Cc: Sondhya Gupta <sondhya@sumofus.org>, Laura Krasovitzky <laura@sumofus.org>, Eoin Dubsky <eoin@sumofus.org>, "sam_whittington@apple.com" <sam_whittington@apple.com>

Dear Ms. Adams,

Attached please find a shareholder proposal as well as letters of submission from four shareholders of Apple Inc.: Neville Austin, Wendy Brown, John Harrington, and Pamela Koslyn. Confirmation of ownership will follow. Please confirm receipt of this communication. Should you have any questions or wish to discuss the concerns raised in the proposal, please do not hesitate to contact me at tim@sumofus.org or 617-620-0574.

Sincerely,

Tim Brennan

Tim Brennan

SumOfUs

tim@sumofus.org

617-620-0574



John C. Harrington
Harrington Investments, Inc.
1001 Second Street, Suite 325
Napa, CA 94559

August 4, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way
MS: 169-5GC
Cupertino, California 95014

Re: Shareholder proposal for 2021 annual meeting

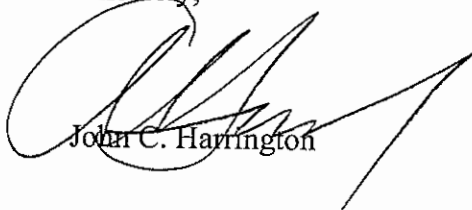
Dear Ms. Adams:

I submit the enclosed shareowner proposal for inclusion in the proxy statement that Apple Inc. plans to circulate to shareowners in connection with the 2021 annual meeting. The proposal is being submitted under SEC Rule 14a-8 and relates to Apple's policies on freedom of expression.

I am located at the address shown above. I have beneficially owned more than \$2,000 worth of Apple Inc. common stock for longer than a year. A letter from Charles Schwab, the record holder, confirming my ownership is enclosed. I intend to continue ownership of at least \$2,000 worth of Apple Inc. common stock through the date of the 2021 annual meeting. My co-sponsors will be submitting materials under separate cover.

I would be pleased to discuss the issues presented by this proposal with you. If you require any additional information, please contact Mr. Tim Brennan who is advising me on this issue. Mr. Brennan can be reached via email at tim@sumofus.org


Sincerely,



John C. Harrington



Neville Austin



August 11, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way
MS: 169-5GC
Cupertino, California 95014

Re: Shareholder proposal for 2021 annual meeting

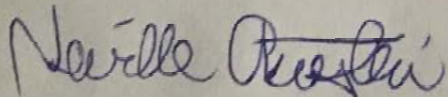
Dear Ms. Adams:

I submit the enclosed shareowner proposal for inclusion in the proxy statement that Apple Inc. plans to circulate to shareowners in connection with the 2021 annual meeting. The proposal is being submitted under SEC Rule 14a-8 and relates to Apple's policies on freedom of expression.

I am located at the address shown above. I have beneficially owned more than \$2,000 worth of Apple Inc. common stock for longer than a year. A letter from BMO InvestorLine, the record holder, confirming my ownership is being sent by separate cover. I intend to continue ownership of at least \$2,000 worth of Apple Inc. common stock through the date of the 2021 annual meeting. My co-sponsors will be submitting materials under separate cover.

I would be pleased to discuss the issues presented by this proposal with you. If you require any additional information, please contact Mr. Tim Brennan who is advising me on this issue. Mr. Brennan can be reached via email at tim@sumofus.org.

Sincerely,



Neville Austin

Wendy Brown

September 5, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way
MS: 169-5GC
Cupertino, California 95014

Re: Shareholder proposal for 2021 annual meeting

Dear Ms. Adams:

I submit the enclosed shareowner proposal for inclusion in the proxy statement that Apple Inc. plans to circulate to shareowners in connection with the 2021 annual meeting. The proposal is being submitted under SEC Rule 14a-8 and relates to Apple's policies on freedom of expression.

I am located at the address shown above. I have beneficially owned more than \$2,000 worth of Apple Inc. common stock for longer than a year. A letter from Charles Schwab, the record holder, confirming my ownership is being sent by separate cover. I intend to continue ownership of at least \$2,000 worth of Apple Inc. common stock through the date of the 2021 annual meeting. My co-sponsors will be submitting materials under separate cover.

I would be pleased to discuss the issues presented by this proposal with you. If you require any additional information, please contact Mr. Tim Brennan who is advising me on this issue. Mr. Brennan can be reached via email at tim@sumofus.org.

Sincerely,



Wendy Brown

Pamela Koslyn

September 5, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way
MS: 169-5GC
Cupertino, California 95014

Re: Shareholder proposal for 2021 annual meeting

Dear Ms. Adams:

I submit the enclosed shareowner proposal for inclusion in the proxy statement that Apple Inc. plans to circulate to shareowners in connection with the 2021 annual meeting. The proposal is being submitted under SEC Rule 14a-8 and relates to Apple's policies on freedom of expression.

I am located at the address shown above. I have beneficially owned more than \$2,000 worth of Apple Inc. common stock for longer than a year. A letter from TD Ameritrade, the record holder, confirming my ownership is being sent by separate cover. I intend to continue ownership of at least \$2,000 worth of Apple Inc. common stock through the date of the 2021 annual meeting. My co-sponsors will be submitting materials under separate cover.

I would be pleased to discuss the issues presented by this proposal with you. If you require any additional information, please contact Mr. Tim Brennan who is advising me on this issue. Mr. Brennan can be reached via email at tim@sumofus.org.

Sincerely,



Resolved; Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such policy commitments; and a description of the actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, a market accounting for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Russia and Turkey have also enacted curbs on VPNs.⁵ Apple pulled The New York Times app from the Chinese App Store in 2017 following a government request.

Such actions have been reported widely and represent reputational risk to the company. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁶ Article 14 states

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, at p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eaa21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ <https://arstechnica.com/tech-policy/2019/03/russia-makes-it-illegal-to-insult-officials-or-publish-fake-news/>

⁶ https://twitter.com/tim_cook/status/1204424808697663488

“Everyone has the right to freedom of opinion and expression.”⁷ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁸ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁹

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices related to freedom of expression.¹⁰ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://www.un.org/en/universal-declaration-human-rights/>

⁸ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁹ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

¹⁰ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

From: Steven Heim <SHeim@bostoncommonasset.com>
Subject: Shareholder proposal to Apple Inc. - human rights and freedom of expression
Date: September 3, 2020 at 12:23:30 PM PDT
To: Apple Corporate Secretary <shareholderproposal@apple.com>
Cc: Lauren Compere <LCompere@bostoncommonasset.com>, Willow Huppert <wHuppert@bostoncommonasset.com>

Dear Ms. Adams,

Please find attached a shareholder proposal to Apple Inc. on the topic of human rights and freedom of expression, along with our cover letter to file the proposal. Proof of ownership will follow separately. Boston Common Asset Management, LLC is a global investment manager that specializes in sustainable and responsible global equity strategies. We are long term investors in Apple. We are supporting Tim Brennan representing SumOfUs and Apple shareholders, who is the lead filer for this proposal. We would welcome continuing a constructive dialogue with Apple on this issue. We would appreciate receiving a confirmation of receipt of this letter and shareholder proposal via email to sheim@bostoncommonasset.com.

With best regards,

--Steven

Steven Heim
Managing Director
Boston Common Asset Management, LLC
200 State Street, 7th Floor, Boston, MA 02109
Tel: 617-960-3908 (direct dial) | Tel: 617-720-5557 | Fax: 617-720-5665
[email: sheim@bostoncommonasset.com](mailto:sheim@bostoncommonasset.com)

NOTICE: All email sent to or from the Boston Common Asset Management, LLC email system may be retained, monitored, and/or reviewed by BCAM personnel. The contents of this email and any attachments, which are being sent by Boston Common Asset Management, are confidential. Unauthorized dissemination, copying, or other use thereof is strictly prohibited. If you have received this email in error, please notify the sender by return email or call 617-720-5557 and destroy all copies of the message and any attachments

September 3, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way, MS-169-5GC
Cupertino, CA 95014 Sent electronically to: shareholderproposal@apple.com

Re: Shareholder Proposal on Implementation of New Human Rights Policy and Freedom of Expression

Dear Ms. Adams:

Boston Common Asset Management, LLC is a global investment manager that specializes in sustainable and responsible global equity strategies. We seek long-term capital appreciation by investing in diversified portfolios of high-quality stocks. Boston Common currently manages over \$2.7 billion as of June 30, 2020 including clients that are shareholders in Apple, Inc. We currently hold 25,120 shares of Apple Inc. (AAPL) common stock in the Boston Common ESG Impact US Equity Fund (BCAMX).

There is increased investor attention globally on the material issue of respect for digital human rights. We commend Apple for its new policy. We believe Apple must be much more transparent about how it is implementing its new human rights policy including responding to requests from repressive governments. Boston Common has had constructive dialogues with a number of companies on related topics and would welcome the same with Apple in 2020 and 2021. Also, Boston Common with other investors engaged Apple to improve its supply chain responsibility policies and practices from 2004 to 2012.

Boston Common Asset Management, LLC (Boston Common) submits the enclosed shareholder proposal (Proposal) with Apple for inclusion in the 2021 proxy statement and in accordance with Rule 14a-8 of the General Rules and Regulations of the Securities and Exchange Act of 1934 (17 C.F.R. § 240.14a-8). Per Rule 14a-8, the Boston Common ESG Impact US Equity Fund holds more than \$2,000 of Apple common stock, acquired more than one year prior to today's date and held continuously for that time. Verification of ownership will follow. Boston Common Asset Management will continue to hold the required shares through the date of the 2021 annual meeting. A representative of the filers of this proposal will attend the stockholders' meeting to move the shareholder proposal as required by the SEC rules.

We are supporting Tim Brennan representing SumOfUs and Apple shareholders, who is the lead filer for this proposal. We would welcome a dialogue with Apple. We file this proposal to protect our right to do so. We would appreciate receiving a confirmation of receipt of this letter via email to sheim@bostoncommonasset.com.

Sincerely,



Steven Heim
Managing Director

Resolved; Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such policy commitments; and a description of the actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, a market accounting for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Russia and Turkey have also enacted curbs on VPNs.⁵ Apple pulled The New York Times app from the Chinese App Store in 2017 following a government request.

Such actions have been reported widely and represent reputational risk to the company. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁶ Article 14 states

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, at p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eaa21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ <https://arstechnica.com/tech-policy/2019/03/russia-makes-it-illegal-to-insult-officials-or-publish-fake-news/>

⁶ https://twitter.com/tim_cook/status/1204424808697663488

“Everyone has the right to freedom of opinion and expression.”⁷ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁸ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁹

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices related to freedom of expression.¹⁰ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://www.un.org/en/universal-declaration-human-rights/>

⁸ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁹ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

¹⁰ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

From: Brianna Murphy <BMurphy@trilliuminvest.com>

Subject: Shareholder proposal

Date: September 3, 2020 at 3:24:40 PM PDT

To: "shareholderproposal@apple.com" <shareholderproposal@apple.com>

Good afternoon,

Please see attached shareholder proposal we are filing on behalf of the Trillium ESG Global Equity Fund. This is a co-filing with Sum of Us.

Thank you,

Brianna

Brianna Murphy | Director of Shareholder Advocacy

Trillium | Portland

P: 503-953-8346 | E: BMurphy@trilliuminvest.com | Fax: 617-482-6179



September 3, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way
MS-169-5GC
Cupertino, CA 95014

Dear Ms. Adams,

Trillium Asset Management LLC (“Trillium”) is an investment firm based in Boston specializing in socially responsible asset management. We currently manage approximately \$3 billion for institutional and individual clients.

As requested and authorized by the Trillium ESG Global Equity Fund, Trillium Asset Management, as our client’s investment advisor, hereby submits the enclosed shareholder proposal with Apple Inc. for inclusion in the 2021 proxy statement and in accordance with Rule 14a-8 of the General Rules and Regulations of the Securities and Exchange Act of 1934 (17 C.F.R. § 240.14a-8).

Per Rule 14a-8 the Trillium ESG Global Equity Fund holds more than \$2,000 of the company’s common stock, acquired more than one year prior to today’s date and held continuously for that time. As evidenced in the attached letters, Trillium ESG Global Equity Fund will remain invested in this position continuously through the date of the 2021 annual meeting. We will forward verification on behalf the position separately. The Trillium ESG Global Equity Fund will send a representative to the stockholders’ meeting to move the shareholder proposal as required by the SEC rules.

We would welcome discussion with Apple, Inc. about the contents of the proposal.

This is a co-filing of the proposal originally filed by Tim Brennan and Sum of US. Please direct any additional communications to me at (617) 532-6662, or via email at bmurphy@trilliuminvest.com.

We would appreciate receiving a confirmation of receipt of this letter via email.

Sincerely,

A handwritten signature in cursive script that reads "B. Murphy".

Brianna Murphy
Director of Shareholder Advocacy
Trillium Asset Management, LLC

Brianna Murphy
Director, Shareholder Advocacy
Trillium Asset Management, LLC
Two Financial Center
60 South Street, Suite 1100
Boston, MA 02111

Fax: 617-482-6179


Dear Ms. Murphy:

I hereby request Trillium Asset Management, LLC to file a shareholder proposal on behalf of the Trillium ESG Global Equity Fund at Apple on the subject of freedom of expression.

The Trillium ESG Global Equity Fund is the beneficial owner of more than \$2,000 of Company common stock that the fund has held continuously held for more than one year. The fund intends to hold the aforementioned shares of stock continuously through the date of the company's annual meeting in 2021.

The Trillium ESG Global Equity Fund specifically gives Trillium Asset Management, LLC authority to deal, on its behalf, with any and all aspects of this specific shareholder proposal. This authorization will terminate upon the conclusion of the company's 2021 annual meeting. The Trillium ESG Global Equity Fund intends all communications from the company and its representatives to be directed to Trillium Asset Management, LLC. The Trillium ESG Global Equity Fund understands that its name may appear on the corporation's proxy statement as the filer of the aforementioned shareholder proposal.

Sincerely,



Michelle McDonough
Chief Operating Officer
Trillium Asset Management, LLC, Investment Advisor to the Trillium ESG Global Equity Fund

8/27/2020

DATE

Resolved; Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such policy commitments; and a description of the actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, a market accounting for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Russia and Turkey have also enacted curbs on VPNs.⁵ Apple pulled The New York Times app from the Chinese App Store in 2017 following a government request.

Such actions have been reported widely and represent reputational risk to the company. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁶ Article 14 states

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, at p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eaa21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ <https://arstechnica.com/tech-policy/2019/03/russia-makes-it-illegal-to-insult-officials-or-publish-fake-news/>

⁶ https://twitter.com/tim_cook/status/1204424808697663488

“Everyone has the right to freedom of opinion and expression.”⁷ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁸ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁹

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices related to freedom of expression.¹⁰ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://www.un.org/en/universal-declaration-human-rights/>

⁸ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁹ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

¹⁰ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

From: Sarah Couturier-Tanoh <scouturier-tanoh@share.ca>
Sent: Friday, September 4, 2020 2:48 PM
To: shareholderproposal@apple.com
Subject: Shareholder resolution - Freedom of expression
Attachments: Apple 2021 freedom of expression proposal FINAL.pdf; 2020 Apple - Cover Letter signed.pdf

Dear,

I am writing to inform you that The Catherine Donnelly Foundation, a shareholder of Apple Inc., is filing a shareholder resolution ahead of the company's 2021 AGM. The resolution touches on the company's approach to human rights due diligence and Freedom of expression.

Attached to this email, please find a cover letter signed by the shareholder and the text of the resolution.

Upon review of these documents, please do not hesitate to let me know if you have any questions or wish to arrange a meeting.

Best regards,

Sarah Couturier-Tanoh
Senior Engagement Analyst

C:+1.581.397.5721



T:+1.604.695.2026 www.share.ca



SHARE's Vancouver office is located on the unceded territory of the x̱w̱məθkwəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətaʔ/Selilwitulh (Tseil-Waututh) Nations.

September 4, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way
MS-169-5GC
Cupertino, CA 95014



Re: Shareholder Proposal for Circulation at 2021 Annual General Meeting (AGM)

Dear Ms. Adams;

On behalf of The Catherine Donnelly Foundation I am writing to give notice that pursuant to the 2020 Proxy Statement of Apple Inc. (the “Company”) and Rule 14a-8 under the Securities Exchange Act of 1934, The Catherine Donnelly Foundation intends to present the attached proposal (the “Proposal”) at the 2021 annual meeting of shareholders (the “Annual Meeting”).

We hereby request that the proposal and the enclosed supporting statement be included in, or attached to, the management proxy statement to be issued in respect of the 2021 Annual Meeting for consideration by shareholders. We further request that the proposal be identified on the Annual Meeting’s form of proxy as a matter to be voted for or against by the beneficial and registered shareholders of the Company.

Please direct all questions and correspondence regarding the Proposal to Sarah Couturier-Tanoh, Senior Engagement Analyst at the Shareholder Association for Research and Education, at:

SHARE - Shareholder Association for Research & Education
Suite 220 – 401 Richmond Street West, Toronto, ON M5V 3A8
tel: 416-306-8073 e-mail: scouturier-tanoh@share.ca

Sincerely,

A handwritten signature in black ink that reads 'Mritunjay Sinha'.

Mritunjay (MJ) Sinha
Director of Finance & Investment
The Catherine Donnelly Foundation
T: 416-461-2996 x 201

2020 Apple - Cover Letter [simplified version]

Final Audit Report

2020-09-04

Created:	2020-09-04
By:	Anthony Schein (aschein@share.ca)
Status:	Signed
Transaction ID:	CBJCHBCAABAA4kogmqQnqfYrTL1nh4I8QpHiUVrnng3

"2020 Apple - Cover Letter [simplified version]" History

-  Document created by Anthony Schein (aschein@share.ca)
2020-09-04 - 6:21:27 PM GMT- IP address: 45.72.230.95
-  Document emailed to Mritunjay Sinha (msinha@catherinedonnellyfoundation.org) for signature
2020-09-04 - 6:22:11 PM GMT
-  Email viewed by Mritunjay Sinha (msinha@catherinedonnellyfoundation.org)
2020-09-04 - 6:26:24 PM GMT- IP address: 24.246.59.61
-  Document e-signed by Mritunjay Sinha (msinha@catherinedonnellyfoundation.org)
Signature Date: 2020-09-04 - 6:29:59 PM GMT - Time Source: server- IP address: 24.246.59.61
-  Signed document emailed to Anthony Schein (aschein@share.ca) and Mritunjay Sinha (msinha@catherinedonnellyfoundation.org)
2020-09-04 - 6:29:59 PM GMT

Resolved; Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such policy commitments; and a description of the actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, a market accounting for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Russia and Turkey have also enacted curbs on VPNs.⁵ Apple pulled The New York Times app from the Chinese App Store in 2017 following a government request.

Such actions have been reported widely and represent reputational risk to the company. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁶ Article 14 states

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, at p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eaa21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ <https://arstechnica.com/tech-policy/2019/03/russia-makes-it-illegal-to-insult-officials-or-publish-fake-news/>

⁶ https://twitter.com/tim_cook/status/1204424808697663488

“Everyone has the right to freedom of opinion and expression.”⁷ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁸ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁹

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices related to freedom of expression.¹⁰ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://www.un.org/en/universal-declaration-human-rights/>

⁸ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁹ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

¹⁰ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

From: Miller, Brian (DC)
Sent: Thursday, September 17, 2020 1:47 PM
To: sheim@bostoncommonasset.com
Cc: LCompere@bostoncommonasset.com; wHuppert@bostoncommonasset.com
Subject: Apple - Rule 14a-8 Deficiency Letter - Boston Common Asset Management
Attachments: FINAL 14a-8 - Apple - Deficiency Letter (Boston Common Asset Management) (September 2020).pdf

Dear Mr. Heim,

On behalf of Apple Inc., attached please find a letter notifying Boston Common Asset Management of certain procedural deficiencies in the shareholder proposal you submitted for Apple's 2021 annual meeting of Shareholders.

Best regards,

Brian

Brian D. Miller | **LATHAM & WATKINS LLP**
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.2332 | M: +1.703.615.5039

Brian D. Miller
Direct Dial: 202.637.2332
brian.miller@lw.com

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200 Fax: +1.202.637.2201
www.lw.com

LATHAM & WATKINS^{LLP}

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

September 17, 2020

BY FEDEX AND ELECTRONIC MAIL

Boston Common Asset Management, LLC
Attn: Steven Heim
200 State Street, 7th Floor
Boston, MA 02109
sheim@bostoncommonasset.com

Re: Shareholder Proposal to Apple Inc.

Dear Mr. Heim,

On September 3, 2020, Apple Inc. (the “Company”) received correspondence from you purportedly submitting a shareholder proposal and an accompanying supporting statement (the “Proposal”) on behalf of Boston Common Asset Management, LLC (the “Proponent”) for inclusion in the Company’s proxy statement for its next annual meeting of shareholders. The correspondence indicates that the Proponent intended for the Proposal to meet the requirements of Rule 14a-8 of the Securities Exchange Act of 1934, as amended (“Rule 14a-8”), including submitting a proposal that does not exceed 500 words and providing proof of the continuous ownership of the required share value for at least one year by the date you submitted the Proposal on behalf of the Proponent, which was on September 3, 2020.

This notice is to inform you that the Proposal, including the supporting statement, exceeds 500 words in violation of Rule 14a-8(d). In addition, the Company has not received proper verification of the Proponent’s share ownership. As a result, you have not demonstrated that the Proponent is eligible to submit the Proposal under Rule 14a-8. In order for the Proposal to be properly submitted, you must remedy these procedural deficiencies by October 1, 2020.

I. EXCEEDING THE 500 WORD LIMIT.

Rule 14a-8(d) provides that any shareholder proposal, including any accompanying supporting statement, may not exceed 500 words. Based on our review, the Proposal, including the supporting statement, totals 523 words. In reaching this conclusion and in accordance with guidance from the staff of the SEC’s Division of Corporation Finance, we have (i) counted each

symbol, including dollar and percent symbols, as individual words (see *Intel Corp.* (avail. Mar. 8, 2010)) and (ii) counted acronyms, such as “CEO” and “U.N.” as multiple words where such acronyms are not previously defined (see *General Electric Co.* (avail. Dec. 30, 2014)). In order to remedy this deficiency and for the Proposal to be properly submitted, you must revise the Proposal so that it does not exceed 500 words.

II. PROOF OF SHARE OWNERSHIP.

In order to establish the Proponent’s eligibility to submit the Proposal under Rule 14a-8, you are required to provide the Company with documentation regarding the Proponent’s ownership of Company securities, or the Proponent must direct its broker or bank to send such documentation to the Company. The documentation must demonstrate that the Proponent has continuously held at least \$2,000 in market value, or 1%, of the Company’s securities entitled to be voted at the meeting for at least one year preceding and including the date you submitted the Proposal on behalf of the Proponent, which was on September 3, 2020. Rule 14a-8(b) provides that you may prove the Proponent’s eligibility to the Company in two ways. You may either submit:

- a written statement from the “record” holder of the Proponent’s securities (usually a broker or bank) verifying that, at the time you submitted the Proposal on behalf of the Proponent, which was on September 3, 2020, the Proponent continuously held the Company’s securities for at least one year; or
- a copy of a Schedule 13D, Schedule 13G, Form 3, Form 4, Form 5, or amendments to those documents or updated forms, reflecting the Proponent’s ownership of the shares as of or before the date on which the one-year eligibility period begins.

To help shareholders comply with the requirement to prove ownership by providing a written statement from the “record” holder of the shares, the staff of the SEC’s Division of Corporation Finance (the “SEC Staff”) published Staff Legal Bulletin No. 14F (“SLB 14F”). In SLB 14F, the SEC Staff stated that only brokers or banks that are Depository Trust Company (“DTC”) participants will be viewed as “record” holders for the purposes of Rule 14a-8. Thus, shareholders must obtain the required written statement from the DTC participant through which its shares are held.

If you are not certain whether the Proponent’s broker or bank is a DTC participant, you may check the DTC’s participant list, which is currently available on the Internet at:

<http://www.dtcc.com/~media/Files/Downloads/client-center/DTC/alpha.ashx>

If the Proponent’s broker or bank is not on the DTC’s participant list, the Proponent will need to obtain proof of ownership from the DTC participant through which the Proponent’s securities are held. The Proponent should be able to find out who the DTC participant is by asking its broker or bank. If the DTC participant knows of the holdings of the Proponent’s broker or bank, but does not know the Proponent’s holdings, you may satisfy the proof of ownership requirement by

obtaining and submitting two proof of ownership statements verifying that, at the time the Proposal was submitted, which was on September 3, 2020, the required amount of securities were continuously held by the Proponent for at least one year – with one statement from the broker or bank confirming the Proponent’s ownership, and the other statement from the DTC participant confirming the broker or bank’s ownership. Please see the enclosed copy of SLB 14F for further information.

Please note that the documentation must establish the Proponent’s ownership of the required share value for at least one year by the date you submitted the Proposal on behalf of the Proponent. This period covers the entire one-year period preceding and including September 3, 2020, the date the Proposal was submitted.

In order for the Proposal to be properly submitted, you must respond to this letter with a revised Proposal and the proper verification of the Proponent’s share ownership as described above. Your response must be postmarked or transmitted no later than 14 calendar days from the date you receive this notice. For your information, we have attached a copy of Rule 14a-8 regarding shareholder proposals.

Please note that the Company has made no inquiry as to whether or not the Proposal, if properly submitted, may be excluded pursuant to Rule 14a-8(i) or for any other reason. The Company will make such a determination once the Proposal has been properly submitted.

Sincerely,



Brian D. Miller
of LATHAM & WATKINS LLP

Enclosures

cc: Jeff Schmidt, Apple Inc.
Jenna Cooper, Latham & Watkins LLP

From: Miller, Brian (DC)
Sent: Thursday, September 17, 2020 1:47 PM
To: bmurphy@trilliuminvest.com
Subject: Apple - Rule 14a-8 Deficiency Letter - Trillium Asset Management
Attachments: FINAL 14a-8 - Apple - Deficiency Letter (Trillium Asset Management) (September 2020).pdf

Dear Mr. Murphy,

On behalf of Apple Inc., attached please find a letter notifying Trillium Asset Management of certain procedural deficiencies in the shareholder proposal you submitted for Apple's 2021 annual meeting of Shareholders.

Best regards,

Brian

Brian D. Miller | **LATHAM & WATKINS LLP**
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.2332 | M: +1.703.615.5039

LATHAM & WATKINS^{LLP}

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

September 17, 2020

BY FEDEX AND ELECTRONIC MAIL

Trillium Asset Management, LLC
Attn: Brianna Murphy
Two Financial Center
60 South Street, Suite 1100
Boston, MA 02111
bmurphy@trilliuminvest.com

Re: Shareholder Proposal to Apple Inc.

Dear Ms. Murphy,

On September 3, 2020, Apple Inc. (the “Company”) received correspondence from you purportedly submitting a shareholder proposal and an accompanying supporting statement (the “Proposal”) on behalf of Trillium Asset Management, LLC (the “Proponent”) for inclusion in the Company’s proxy statement for its next annual meeting of shareholders. The correspondence indicates that the Proponent intended for the Proposal to meet the requirements of Rule 14a-8 of the Securities Exchange Act of 1934, as amended (“Rule 14a-8”), including submitting a proposal that does not exceed 500 words and providing proof of the continuous ownership of the required share value for at least one year by the date you submitted the Proposal on behalf of the Proponent, which was on September 3, 2020.

This notice is to inform you that the Proposal, including the supporting statement, exceeds 500 words in violation of Rule 14a-8(d). In addition, the Company has not received proper verification of the Proponent’s share ownership. As a result, you have not demonstrated that the Proponent is eligible to submit the Proposal under Rule 14a-8. In order for the Proposal to be properly submitted, you must remedy these procedural deficiencies by October 1, 2020.

I. EXCEEDING THE 500 WORD LIMIT.

Rule 14a-8(d) provides that any shareholder proposal, including any accompanying supporting statement, may not exceed 500 words. Based on our review, the Proposal, including the supporting statement, totals 523 words. In reaching this conclusion and in accordance with

guidance from the staff of the SEC's Division of Corporation Finance, we have (i) counted each symbol, including dollar and percent symbols, as individual words (see *Intel Corp.* (avail. Mar. 8, 2010)) and (ii) counted acronyms, such as "CEO" and "U.N." as multiple words where such acronyms are not previously defined (see *General Electric Co.* (avail. Dec. 30, 2014)). In order to remedy this deficiency and for the Proposal to be properly submitted, you must revise the Proposal so that it does not exceed 500 words.

II. PROOF OF SHARE OWNERSHIP.

In order to establish the Proponent's eligibility to submit the Proposal under Rule 14a-8, you are required to provide the Company with documentation regarding the Proponent's ownership of Company securities, or the Proponent must direct its broker or bank to send such documentation to the Company. The documentation must demonstrate that the Proponent has continuously held at least \$2,000 in market value, or 1%, of the Company's securities entitled to be voted at the meeting for at least one year preceding and including the date you submitted the Proposal on behalf of the Proponent, which was on September 3, 2020. Rule 14a-8(b) provides that you may prove the Proponent's eligibility to the Company in two ways. You may either submit:

- a written statement from the "record" holder of the Proponent's securities (usually a broker or bank) verifying that, at the time you submitted the Proposal on behalf of the Proponent, which was on September 3, 2020, the Proponent continuously held the Company's securities for at least one year; or
- a copy of a Schedule 13D, Schedule 13G, Form 3, Form 4, Form 5, or amendments to those documents or updated forms, reflecting the Proponent's ownership of the shares as of or before the date on which the one-year eligibility period begins.

To help shareholders comply with the requirement to prove ownership by providing a written statement from the "record" holder of the shares, the staff of the SEC's Division of Corporation Finance (the "SEC Staff") published Staff Legal Bulletin No. 14F ("SLB 14F"). In SLB 14F, the SEC Staff stated that only brokers or banks that are Depository Trust Company ("DTC") participants will be viewed as "record" holders for the purposes of Rule 14a-8. Thus, shareholders must obtain the required written statement from the DTC participant through which its shares are held.

If you are not certain whether the Proponent's broker or bank is a DTC participant, you may check the DTC's participant list, which is currently available on the Internet at:

<http://www.dtcc.com/~media/Files/Downloads/client-center/DTC/alpha.ashx>

If the Proponent's broker or bank is not on the DTC's participant list, the Proponent will need to obtain proof of ownership from the DTC participant through which the Proponent's securities are held. The Proponent should be able to find out who the DTC participant is by asking its broker or bank. If the DTC participant knows of the holdings of the Proponent's broker or bank, but

does not know the Proponent's holdings, you may satisfy the proof of ownership requirement by obtaining and submitting two proof of ownership statements verifying that, at the time the Proposal was submitted, which was on September 3, 2020, the required amount of securities were continuously held by the Proponent for at least one year – with one statement from the broker or bank confirming the Proponent's ownership, and the other statement from the DTC participant confirming the broker or bank's ownership. Please see the enclosed copy of SLB 14F for further information.

Please note that the documentation must establish the Proponent's ownership of the required share value for at least one year by the date you submitted the Proposal on behalf of the Proponent. This period covers the entire one-year period preceding and including September 3, 2020, the date the Proposal was submitted.

In order for the Proposal to be properly submitted, you must respond to this letter with a revised Proposal and the proper verification of the Proponent's share ownership as described above. Your response must be postmarked or transmitted no later than 14 calendar days from the date you receive this notice. For your information, we have attached a copy of Rule 14a-8 regarding shareholder proposals.

Please note that the Company has made no inquiry as to whether or not the Proposal, if properly submitted, may be excluded pursuant to Rule 14a-8(i) or for any other reason. The Company will make such a determination once the Proposal has been properly submitted.

Sincerely,



Brian D. Miller
of LATHAM & WATKINS LLP

Enclosures

cc: Jeff Schmidt, Apple Inc.
Jenna Cooper, Latham & Watkins LLP

From: Miller, Brian (DC)
Sent: Thursday, September 17, 2020 1:47 PM
To: scouturier-tanoh@share.ca
Subject: Apple - Rule 14a-8 Deficiency Letter - Catherine Donnelly Foundation
Attachments: FINAL 14a-8 - Apple - Deficiency Letter (The Catherine Donnelly Foundation) (September 2020).pdf

Dear Ms. Couturier-Tanoh,

On behalf of Apple Inc., attached please find a letter notifying the Catherine Donnelly Foundation of certain procedural deficiencies in the shareholder proposal you submitted for Apple's 2021 annual meeting of Shareholders.

Best regards,

Brian

Brian D. Miller | LATHAM & WATKINS LLP
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.2332

Brian D. Miller
Direct Dial: 202.637.2332
brian.miller@lw.com

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200 Fax: +1.202.637.2201
www.lw.com

LATHAM & WATKINS LLP

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

September 17, 2020

BY FEDEX AND ELECTRONIC MAIL

The Catherine Donnelly Foundation
Attn: Sarah Couturier-Tanoh
401 Richmond Street West, Suite 220
Toronto, ON M5V 3A8
scouturier-tanoh@share.ca

Re: Shareholder Proposal to Apple Inc.

Dear Ms. Couturier-Tanoh,

On September 4, 2020, Apple Inc. (the “Company”) received correspondence from Mritunjay (MJ) Sinha (“Mr. Sinha”) purportedly submitting a shareholder proposal and an accompanying supporting statement (the “Proposal”) on behalf of The Catherine Donnelly Foundation (the “Proponent”) for inclusion in the Company’s proxy statement for its next annual meeting of shareholders. The correspondence indicates that the Proponent intended for the Proposal to meet the requirements of Rule 14a-8 of the Securities Exchange Act of 1934, as amended (“Rule 14a-8”), including submitting a proposal that does not exceed 500 words and providing proof of the continuous ownership of the required share value for at least one year by the date Mr. Sinha submitted the Proposal on behalf of the Proponent, which was on September 4, 2020.

This notice is to inform you that the Proposal, including the supporting statement, exceeds 500 words in violation of Rule 14a-8(d). In addition, the Company has not received proper verification of the Proponent’s share ownership. As a result, you have not demonstrated that the Proponent is eligible to submit the Proposal under Rule 14a-8. In order for the Proposal to be properly submitted, you must remedy these procedural deficiencies by October 1, 2020.

I. EXCEEDING THE 500 WORD LIMIT.

Rule 14a-8(d) provides that any shareholder proposal, including any accompanying supporting statement, may not exceed 500 words. Based on our review, the Proposal, including the supporting statement, totals 523 words. In reaching this conclusion and in accordance with

guidance from the staff of the SEC's Division of Corporation Finance, we have (i) counted each symbol, including dollar and percent symbols, as individual words (see *Intel Corp.* (avail. Mar. 8, 2010)) and (ii) counted acronyms, such as "CEO" and "U.N." as multiple words where such acronyms are not previously defined (see *General Electric Co.* (avail. Dec. 30, 2014)). In order to remedy this deficiency and for the Proposal to be properly submitted, you must revise the Proposal so that it does not exceed 500 words.

II. PROOF OF SHARE OWNERSHIP.

In order to establish the Proponent's eligibility to submit the Proposal under Rule 14a-8, you are required to provide the Company with documentation regarding the Proponent's ownership of Company securities, or the Proponent must direct its broker or bank to send such documentation to the Company. The documentation must demonstrate that the Proponent has continuously held at least \$2,000 in market value, or 1%, of the Company's securities entitled to be voted at the meeting for at least one year preceding and including the date Mr. Sinha submitted the Proposal on behalf of the Proponent, which was on September 4, 2020. Rule 14a-8(b) provides that you may prove the Proponent's eligibility to the Company in two ways. You may either submit:

- a written statement from the "record" holder of the Proponent's securities (usually a broker or bank) verifying that, at the time Mr. Sinha submitted the Proposal on behalf of the Proponent, which was on September 4, 2020, the Proponent continuously held the Company's securities for at least one year; or
- a copy of a Schedule 13D, Schedule 13G, Form 3, Form 4, Form 5, or amendments to those documents or updated forms, reflecting the Proponent's ownership of the shares as of or before the date on which the one-year eligibility period begins.

To help shareholders comply with the requirement to prove ownership by providing a written statement from the "record" holder of the shares, the staff of the SEC's Division of Corporation Finance (the "SEC Staff") published Staff Legal Bulletin No. 14F ("SLB 14F"). In SLB 14F, the SEC Staff stated that only brokers or banks that are Depository Trust Company ("DTC") participants will be viewed as "record" holders for the purposes of Rule 14a-8. Thus, shareholders must obtain the required written statement from the DTC participant through which its shares are held.

If you are not certain whether the Proponent's broker or bank is a DTC participant, you may check the DTC's participant list, which is currently available on the Internet at:

<http://www.dtcc.com/~media/Files/Downloads/client-center/DTC/alpha.ashx>

If the Proponent's broker or bank is not on the DTC's participant list, the Proponent will need to obtain proof of ownership from the DTC participant through which the Proponent's securities are held. The Proponent should be able to find out who the DTC participant is by asking its broker or bank. If the DTC participant knows of the holdings of the Proponent's broker or bank, but

does not know the Proponent's holdings, you may satisfy the proof of ownership requirement by obtaining and submitting two proof of ownership statements verifying that, at the time the Proposal was submitted, which was on September 4, 2020, the required amount of securities were continuously held by the Proponent for at least one year – with one statement from the broker or bank confirming the Proponent's ownership, and the other statement from the DTC participant confirming the broker or bank's ownership. Please see the enclosed copy of SLB 14F for further information.

Please note that the documentation must establish the Proponent's ownership of the required share value for at least one year by the date Mr. Sinha submitted the Proposal on behalf of the Proponent. This period covers the entire one-year period preceding and including September 4, 2020, the date the Proposal was submitted.

In order for the Proposal to be properly submitted, you must respond to this letter with a revised Proposal and the proper verification of the Proponent's share ownership as described above. Your response must be postmarked or transmitted no later than 14 calendar days from the date you receive this notice. For your information, we have attached a copy of Rule 14a-8 regarding shareholder proposals.

Please note that the Company has made no inquiry as to whether or not the Proposal, if properly submitted, may be excluded pursuant to Rule 14a-8(i) or for any other reason. The Company will make such a determination once the Proposal has been properly submitted.

Sincerely,



Brian D. Miller
of LATHAM & WATKINS LLP

Enclosures

cc: Jeff Schmidt, Apple Inc.
Jenna Cooper, Latham & Watkins LLP

From: Miller, Brian (DC)
Sent: Thursday, September 17, 2020 2:02 PM
To: tim@sumofus.org
Cc: sondhya@sumofus.org; laura@sumofus.org; eoin@sumofus.org
Subject: RE: Apple - Rule 14a-8 Deficiency Letter - SumOfUs
Attachments: FINAL 14a-8 - Apple - Deficiency Letter (SumOfUs) (September 2020).pdf

Dear Mr. Brennan,

Resending this email again with the correct letter attached this time.

On behalf of Apple Inc., attached please find a letter notifying SumOfUs of certain procedural deficiencies in the shareholder proposal you submitted for Apple's 2021 annual meeting of Shareholders on behalf of Neville Austin, Wendy Brown, John Harrington, and Pamela Koslyn.

Best regards,

Brian

Brian D. Miller | LATHAM & WATKINS LLP
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.637.2332 | M: +1.703.615.5039

Brian D. Miller
Direct Dial: 202.637.2332
brian.miller@lw.com

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200 Fax: +1.202.637.2201
www.lw.com

LATHAM & WATKINS^{LLP}

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

September 17, 2020

BY FEDEX AND ELECTRONIC MAIL

SumOfUs
Attn: Tim Brennan
PO Box 1128
New York, NY 10156
tim@sumofus.org

Re: Shareholder Proposal to Apple Inc.

Dear Mr. Brennan,

On September 3, 2020, Apple Inc. (the “Company”) received correspondence from you purportedly submitting a shareholder proposal and an accompanying supporting statement (the “Proposal”) on behalf of Neville Austin, Wendy Brown, Pamela Koslyn and John Harrington (the “Proponents”) for inclusion in the Company’s proxy statement for its next annual meeting of shareholders. The correspondence indicates that the Proponents intended for the Proposal to meet the requirements of Rule 14a-8 of the Securities Exchange Act of 1934, as amended (“Rule 14a-8”), including submitting a proposal that does not exceed 500 words and providing proof of the continuous ownership of the required share value for at least one year by the date you submitted the Proposal on behalf of the Proponents, which was on September 3, 2020.

This notice is to inform you that the Proposal, including the supporting statement, exceeds 500 words in violation of Rule 14a-8(d). In addition, the Company has not received proper verification of the Proponents’ share ownership. As a result, you have not demonstrated that the Proponents are eligible to submit the Proposal under Rule 14a-8. In order for the Proposal to be properly submitted, you must remedy these procedural deficiencies by October 1, 2020.

I. EXCEEDING THE 500 WORD LIMIT.

Rule 14a-8(d) provides that any shareholder proposal, including any accompanying supporting statement, may not exceed 500 words. Based on our review, the Proposal, including the supporting statement, totals 523 words. In reaching this conclusion and in accordance with

guidance from the staff of the SEC's Division of Corporation Finance, we have (i) counted each symbol, including dollar and percent symbols, as individual words (see *Intel Corp.* (avail. Mar. 8, 2010)) and (ii) counted acronyms, such as "CEO" and "U.N." as multiple words where such acronyms are not previously defined (see *General Electric Co.* (avail. Dec. 30, 2014)). In order to remedy this deficiency and for the Proposal to be properly submitted, you must revise the Proposal so that it does not exceed 500 words.

II. PROOF OF SHARE OWNERSHIP.

In order to establish the Proponents' eligibility to submit the Proposal under Rule 14a-8, you are required to provide the Company with documentation regarding the Proponents' ownership of Company securities, or the Proponents must direct each of their brokers or banks to send such documentation to the Company. The documentation must demonstrate that each of the Proponents have continuously held at least \$2,000 in market value, or 1%, of the Company's securities entitled to be voted at the meeting for at least one year preceding and including the date you submitted the Proposal on behalf of the Proponents, which was on September 3, 2020. Rule 14a-8(b) provides that you may prove the Proponents' eligibility to the Company in two ways. You may either submit:

- a written statement from the "record" holder of each of the Proponents' securities (usually a broker or bank) verifying that, at the time you submitted the Proposal on behalf of the Proponents, which was on September 3, 2020, each of the Proponents continuously held the Company's securities for at least one year; or
- a copy of a Schedule 13D, Schedule 13G, Form 3, Form 4, Form 5, or amendments to those documents or updated forms, reflecting each of the Proponents' ownership of the shares as of or before the date on which the one-year eligibility period begins.

To help shareholders comply with the requirement to prove ownership by providing a written statement from the "record" holder of the shares, the staff of the SEC's Division of Corporation Finance (the "SEC Staff") published Staff Legal Bulletin No. 14F ("SLB 14F"). In SLB 14F, the SEC Staff stated that only brokers or banks that are Depository Trust Company ("DTC") participants will be viewed as "record" holders for the purposes of Rule 14a-8. Thus, shareholders must obtain the required written statement from the DTC participant through which their shares are held.

If you are not certain whether the Proponents' brokers or banks are DTC participants, you may check the DTC's participant list, which is currently available on the Internet at:

<http://www.dtcc.com/~media/Files/Downloads/client-center/DTC/alpha.ashx>

If the Proponents' brokers or banks are not on the DTC's participant list, the Proponents will need to obtain proof of ownership from the DTC participant through which each of the Proponents' securities are held. The Proponents should be able to find out who the DTC participant is by asking their broker or bank. If the DTC participant knows of the holdings of

either of the Proponents' brokers or banks, but does not know either of the Proponents' holdings, you may satisfy the proof of ownership requirement by obtaining and submitting two proof of ownership statements verifying that, at the time the Proposal was submitted, which was on September 3, 2020, the required amount of securities were continuously held by each of the Proponents for at least one year – with one statement from the broker or bank confirming each of the Proponents' ownership, and the other statement from the DTC participant confirming the broker or bank's ownership. Please see the enclosed copy of SLB 14F for further information.

Please note that the documentation must establish each of the Proponents' ownership of the required share value for at least one year by the date you submitted the Proposal on behalf of the Proponents. This period covers the entire one-year period preceding and including September 3, 2020, the date the Proposal was submitted.

In order for the Proposal to be properly submitted, you must respond to this letter with a revised Proposal and the proper verification of each of the Proponents' share ownership as described above. Your response must be postmarked or transmitted no later than 14 calendar days from the date you receive this notice. For your information, we have attached a copy of Rule 14a-8 regarding shareholder proposals.

Please note that the Company has made no inquiry as to whether or not the Proposal, if properly submitted, may be excluded pursuant to Rule 14a-8(i) or for any other reason. The Company will make such a determination once the Proposal has been properly submitted.

Sincerely,



Brian D. Miller
of LATHAM & WATKINS LLP

Enclosures

cc: Neville Austin
Wendy Brown
Pamela Koslyn
John Harrington, Harrington Investments, Inc.
Jeff Schmidt, Apple Inc.
Jenna Cooper, Latham & Watkins LLP

From: Tim Brennan <tim@sumofus.org>

Sent: Thursday, September 17, 2020 3:58 PM

To: Sam Whittington <sam_whittington@apple.com>

Cc: Miller, Brian (DC) <Brian.Miller@lw.com>; Sondhya Gupta <sondhya@sumofus.org>; Eoin Dubsy <eoin@sumofus.org>

Subject: Ownership confirmations

Hi Sam,

Attached are the ownership confirmations for Wendy Brown and Pamela Koslyn. The letters for John Harrington and Neville Austin will follow asap.

Tim

Tim Brennan

SumOfUs

tim@sumofus.org

617-620-0574



September 3, 2020

Wendy Brown

Account #: ***
Questions: +1 800-378-0685
x47901

Apple Inc. Information

Dear Wendy Brown,

This letter is in response to the request for information regarding holdings in Apple Inc. (symbol AAPL) in the above reference account.

As of 9/3/2020, this account holds 228 shares of Apple Inc.
The value of this holding is in excess of \$2000.
There have been no buys or sales of this stock in the preceding 12 months.

Please note: The balance is based on our records at the time this letter was written, and may include cash and securities. The value of the account(s) is subject to change depending upon market conditions and/or activities in the account(s).

Please note: This letter is for informational purposes only and is not an official record of the account.

Thank you for choosing Schwab. We appreciate your business and look forward to serving you in the future. If you have any questions, please call me or any Client Service Specialist at +1 800-378-0685 x47901.

Sincerely,

David Wallenburg

David Wallenburg
USAA CLIENT SERVICE & SUPPORT
9800 Schwab Way
LONE TREE, CO 80124



09/03/2020

Pamela Koslyn or Kenneth Peters TRS FBO
Koslyn and Peters Rev 2013 Trust UA Oct 24, 2013

Re: Your TD Ameritrade Account Ending in ***

Dear Pamela Koslyn or Kenneth Peters,

Thank you for allowing me to assist you today. As you requested, this letter confirms you hold 700 shares of AAPL - Apple Inc. in the above referenced account as of start of business today, September 3, 2020. This number does take into account the 4:1 split on 08/31/2020 and the 7:1 split on 06/09/2014.

If we can be of any further assistance, please let us know. Just log in to your account and go to the Message Center to write us. You can also call Private Client Services at 800-400-4078. We're available 24 hours a day, seven days a week.

Sincerely,

A handwritten signature in black ink that reads 'Jennifer Hickman' in a cursive script.

Jennifer Hickman
Resource Specialist
TD Ameritrade

This information is furnished as part of a general information service and TD Ameritrade shall not be liable for any damages arising out of any inaccuracy in the information. Because this information may differ from your TD Ameritrade monthly statement, you should rely only on the TD Ameritrade monthly statement as the official record of your TD Ameritrade account.

Market volatility, volume, and system availability may delay account access and trade executions.

TD Ameritrade, Inc., member FINRA/SIPC (www.finra.org, www.sipc.org). TD Ameritrade is a trademark jointly owned by TD Ameritrade IP Company, Inc. and The Toronto-Dominion Bank. © 2015 TD Ameritrade IP Company, Inc. All rights reserved. Used with permission.

From: Sarah Couturier-Tanoh <scouturier-tanoh@share.ca>
Sent: Thursday, September 17, 2020 2:24 PM
To: Miller, Brian (DC) <Brian.Miller@lw.com>
Subject: FW: Apple - Rule 14a-8 Deficiency Letter - Catherine Donnelly Foundation

Dear M. Miller,

As discussed during our call earlier today, you told me that you haven't received any proof of ownership from the Catherine Donnelly Foundation. However, we sent a custodian statement that prove the ownership of the Catherine Donnelly Foundation on September 10, 2020.

I will also send a follow-up email that include the original email sent to Apple Inc. on September 10 with the custodian statement.

Could you let me know if this document (see attachment) is sufficient to prove the ownership or if you need any modification?

Best regards,

Sarah Couturier-Tanoh
Senior Engagement Analyst

C:+1.581.397.5721



T:+1.604.695.2026 www.share.ca



SHARE's Vancouver office is located on the unceded territory of the x̱m̱əθkw̱ə'y̱əm (Musqueam), Skwxwú7mesh (Squamish), and Səlilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.



RE: Apple Inc.

ISIN: US0378331005

CUSIP: 037833100

Ticker: AAPL

To Whom It May Concern:

Please be advised that we wish to confirm 3000 shares of the above security were continuously beneficially owned by The Catherine Donnelly Foundation for a period of one year (from September 3, 2019 to September 3, 2020) (equal to 12,000 shares after the split on Sept 2, 2020) and held in the name of ScotiaMcleod through the Depository Trust Company REF #DTC5011.

The Catherine Donnelly Foundation has the authority to vote these shares at the upcoming 2020 annual general meeting of shareholders on the condition that they are still holding these shares as of the meeting record date.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "E. Martin".

Eleanor Martin, Administrative Associate
ScotiaMcleod
416-862-5833

Eleanor.martin@scotiawealth.com

From: Brian.Miller@lw.com <Brian.Miller@lw.com>

Sent: September 17, 2020 5:58 PM

To: Sarah Couturier-Tanoh <scouturier-tanoh@share.ca>

Subject: RE: Apple - Rule 14a-8 Deficiency Letter - Catherine Donnelly Foundation

Sarah-

The Custodian Letter you provided is not sufficient. Your proposal was received on September 4, so, as noted in the letter I sent today, your proof of ownership must demonstrate that you have continuously held the requisite number of shares for at least one year by the date you submitted the Proposal, which was on September 4, 2020.

As such, you will need to send a revised proof of ownership and remedy the other procedural defect in order for your proposal to be properly submitted.

Please note that you must remedy these procedural deficiencies by October 1, 2020.

Best regards,

Brian

Brian D. Miller | LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.2332 | M: +1.703.615.5039

From: Sarah Couturier-Tanoh <scouturier-tanoh@share.ca>
Sent: Sep 18, 2020 11:42 AM
To: "Miller, Brian (DC)" <Brian.Miller@lw.com>
Subject: RE: Apple - Rule 14a-8 Deficiency Letter - Catherine Donnelly Foundation

Hi Brian,

I am writing on behalf of the Catherine Donnelly Foundation regarding the filing of the shareholder proposal at Apple Inc. Please, find attached to this email a revised version of the custodian statement. The new version of the document states that the Catherine Donnelly Foundation continuously beneficially owned 3000 shares for a period of one year (from September 3, 2019 to September 4, 2020).

I will get back to you before October 1st with a revised version of the text of the resolution.

Kind regards,

Sarah Couturier-Tanoh
Senior Engagement Analyst

C:+1.581.397.5721



T:+1.604.695.2026 www.share.ca



SHARE's Vancouver office is located on the unceded territory of the xʷməθkʷəy̍əm (Musqueam), Skwxwú7mesh (Squamish), and Selilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.



September 4, 2020

RE: Apple Inc.

ISIN: US0378331005

CUSIP: 037833100

Ticker: AAPL

To Whom It May Concern:

Please be advised that we wish to confirm 3000 shares of the above security were continuously beneficially owned by The Catherine Donnelly Foundation for a period of one year (from September 3, 2019 to September 4, 2020) (equal to 12,000 shares after the split on September 2, 2020), and held in the name of ScotiaMcleod through the Depository Trust Company REF #DTC5011.

The Catherine Donnelly Foundation has the authority to vote these shares at the upcoming 2021 annual general meeting of shareholders on the condition that they are still holding these shares as of the meeting record date.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "E Martin". The signature is fluid and cursive.

Eleanor Martin, Administrative Associate

ScotiaMcleod

416-862-5833

Eleanor.martin@scotiawealth.com

From: Tim Brennan <tim@sumofus.org>
Sent: Sep 18, 2020 11:53 AM
To: Sam Whittington <sam_whittington@apple.com>
Cc: "Miller, Brian (DC)" <Brian.Miller@lw.com>; Sondhya Gupta <sondhya@sumofus.org>; Eoin Dubsky <eoin@sumofus.org>
Subject: Re: Ownership confirmations

Hi Sam,
Here is the confirmation for John Harrington.
Tim

From: Tim Brennan <tim@sumofus.org>
Date: Thursday, September 17, 2020 at 3:58 PM
To: Sam Whittington <sam_whittington@apple.com>
Cc: "Brian.Miller@lw.com" <Brian.Miller@lw.com>, Sondhya Gupta <sondhya@sumofus.org>, Eoin Dubsky <eoin@sumofus.org>
Subject: Ownership confirmations

Hi Sam,
Attached are the ownership confirmations for Wendy Brown and Pamela Koslyn. The letters for John Harrington and Neville Austin will follow asap.
Tim

Tim Brennan
SumOfUs
tim@sumofus.org
617-620-0574



September 4, 2020

HARRINGTON INVEST INC 401K PLAN
FBO JOHN C HARRINGTON
1001 2nd Street Suite 325
Napa, CA 94559

Account number ending in:

Questions: Contact your advisor or
call Schwab Alliance at
1-800-515-2157.

As requested, we're confirming a stock holding in your account.

Dear John Harrington,

As requested, we're writing to confirm that the above account holds in trust 175 shares of APPLE INC APPL common stock. These shares have been held in the account continuously for at least one year since September 3, 2020.

These shares are held at Depository Trust Company under Charles Schwab & Co., Inc., which serves as custodian for the account.

Thank you for choosing Schwab. If you have questions, please contact your advisor or Schwab Alliance at 1-800-515-2157. We appreciate your business and look forward to serving you in the future.

Sincerely,

Seth Deibel

Seth Deibel
Manager, Institutional
IST PHOENIX SERVICE
2423 E Lincoln Dr
Phoenix, AZ 85016-1215

Independent investment advisors are not owned by, affiliated with, or supervised by Charles Schwab & Co., Inc. ("Schwab").

From: Brianna Murphy <BMurphy@trilliuminvest.com>
Sent: Wednesday, September 23, 2020 2:37 PM
To: Miller, Brian (DC) <Brian.Miller@lw.com>
Subject: RE: Apple - Rule 14a-8 Deficiency Letter - Trillium Asset Management

Hi Brian,

Thanks for reaching out. Please see the attached document with the information you've requested.

I have not sent a physical copy – please let me know if you need me to mail these documents.

Thank you,

Brianna

Brianna Murphy | Director of Shareholder Advocacy
Trillium | Portland
P: 503-953-8346 | E: BMurphy@trilliuminvest.com | Fax: 617-482-6179



**ACTIVE PORTFOLIOS,
GLOBAL IMPACT:**
Putting Assets into Action since 1982

Please see the [company website](#) for a full disclaimer.



September 23, 2020

Via email – Brian.Miller@lw.com

Brian Miller
Latham & Watkins LLP
555 Eleventh Street, Suite 1000
Washington, D.C. 20004-1304

Re: Request for verification

Dear Mr. Miller:

Per your request and in accordance with the SEC Rules, please find the attached authorization letter from Trillium ESG Global Equity Fund as well as the custodial letter from Charles Schwab Advisor Services documenting that the fund holds sufficient company shares to file a proposal under rule 14a-8. I have also included an updated copy of the proposal. Rule 14a-8(f) requires notice of specific deficiencies in our proof of eligibility to submit a proposal. Therefore we request that you notify us if you see any deficiencies in the enclosed documentation.

Please direct any communications to me at (503) 953-8346, Trillium Asset Management, LLC

Sincerely,

Brianna Murphy
Director of Shareholder Advocacy
Trillium Asset Management, LLC



Fund Custody
Trust Technology and Support Services
1555 N. Rivercenter Drive, Suite 302
Milwaukee, WI 53212
usbank.com

9/8/20

Re: Trillium ESG Global Equity Fund/Acct # ***

This letter is to confirm that US Bank holds as custodian for the above client 176,000 shares of common stock in Apple (AAPL). These 176,000 shares have been held in this account continuously for at least one year prior to September 3, 2020.

These shares are held at Depository Trust Company under the nominee name US Bank

This letter serves as confirmation that the shares are held by US Bank

Sincerely,

Steve Wulz

Steve Wulz

Officer

Resolved: Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such commitments; and a description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, which accounts for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Apple pulled The New York Times app in 2017 following a government request.

Such actions have been reported widely and create reputational risk. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁵ Article 14 states “Everyone has the right to freedom of opinion and expression.”⁶ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eea21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ https://twitter.com/tim_cook/status/1204424808697663488

⁶ <https://www.un.org/en/universal-declaration-human-rights/>

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁷ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁸

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices.⁹ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁸ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

⁹ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

From: Tim Brennan <tim@sumofus.org>

Subject: Re: Apple - Rule 14a-8 Deficiency Letter - SumOfUs Date: September 21, 2020 at 07:23:55 PDT

To: "Brian.Miller@lw.com" <Brian.Miller@lw.com>, Sam Whittington <sam_whittington@apple.com>

Cc: "sondhya@sumofus.org" <sondhya@sumofus.org>, "laura@sumofus.org" <laura@sumofus.org>, "eoin@sumofus.org" <eoin@sumofus.org>

Hi Sam,

Attached is the proposal from SumOfUs cut to under 500 words.

Thanks, Tim

Tim Brennan

SumOfUs

tim@sumofus.org

617-620-0574

From: Tim Brennan <tim@sumofus.org>
Sent: Friday, September 25, 2020 11:12 AM
To: sam_whittington@apple.com; shareholderproposal@apple.com
Cc: Miller, Brian (DC) <Brian.Miller@lw.com>
Subject: Neville Austin ownership confirmation

The ownership confirmation for Neville Austin, co-filer of the resolution on Freedom of Expression, is attached.

Tim Brennan
SumOfUs
tim@sumofus.org
617-620-0574

BMO Investorline
First Canadian Place
100 King St. West, Floor B1
Toronto, Ontario, Canada M5X 1A3

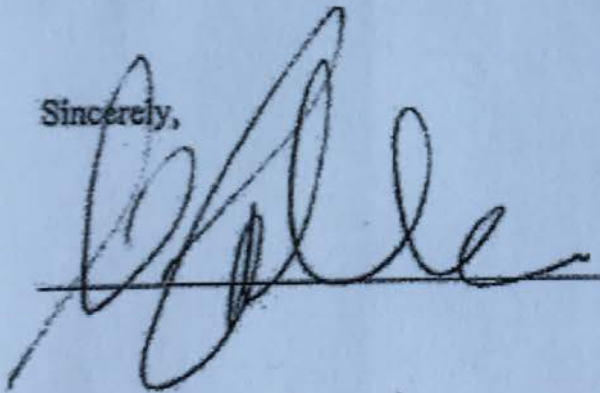
September 3, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way
MS: 169-5GC
Cupertino, California 95014

Dear Ms. Adams:

BMO InvestorLine, a DTC participant, acts as the custodian and record owner for shares beneficially owned by Neville Austin. As of and including September 3, 2020, BMO InvestorLine has continuously held 448 shares of Apple Inc. common stock, worth at least \$2,000, for over one year on behalf of Neville Austin.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory Lusher', written over a horizontal line.

Gregory Lusher
Investment Specialist/Client Relationship Specialist

From: Lauren Compere <LCompere@bostoncommonasset.com>
Subject: FW: RESPONSE REQUIRED BY OCT 1ST: Apple Response Letter Date: September 29, 2020 at 10:45:24 PDT
To: "sam_whittington@apple.com" <sam_whittington@apple.com>
Cc: Steven Heim <SHeim@bostoncommonasset.com>, Willow Huppert <wHuppert@bostoncommonasset.com>, Kristina Eisnor <KEisnor@bostoncommonasset.com>, Tim Brennan <TBrennan@uua.org>

Dear Mr. Whittington,

Please find attached a revised resolution (500 word count) and proof of ownership from our custodian US Bank.

Please let Steven or I know if you have any further questions.

We look forward to continued discussion on this resolution ask with the lead filer Tim Brennan and the SUMofUs.

Kind Regards,

Lauren Compere, Managing Director
Boston Common Asset Management
lcompere@bostoncommonasset.com

NOTICE: All email sent to or from the Boston Common Asset Management, LLC email system may be retained, monitored, and/or reviewed by BCAM personnel. The contents of this email and any attachments, which are being sent by Boston Common Asset Management, are confidential. Unauthorized dissemination, copying, or other use thereof is strictly prohibited. If you have received this email in error, please notify the sender by return email or call 617-720-5557 and destroy all copies of the message and any attachments

September 3, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way, MS-169-5GC
Cupertino, CA 95014 Sent electronically to: shareholderproposal@apple.com

Re: Shareholder Proposal on Implementation of New Human Rights Policy and Freedom of Expression

Dear Ms. Adams:

Boston Common Asset Management, LLC is a global investment manager that specializes in sustainable and responsible global equity strategies. We seek long-term capital appreciation by investing in diversified portfolios of high-quality stocks. Boston Common currently manages over \$2.7 billion as of June 30, 2020 including clients that are shareholders in Apple, Inc. We currently hold 25,120 shares of Apple Inc. (AAPL) common stock in the Boston Common ESG Impact US Equity Fund (BCAMX).

There is increased investor attention globally on the material issue of respect for digital human rights. We commend Apple for its new policy. We believe Apple must be much more transparent about how it is implementing its new human rights policy including responding to requests from repressive governments. Boston Common has had constructive dialogues with a number of companies on related topics and would welcome the same with Apple in 2020 and 2021. Also, Boston Common with other investors engaged Apple to improve its supply chain responsibility policies and practices from 2004 to 2012.

Boston Common Asset Management, LLC (Boston Common) submits the enclosed shareholder proposal (Proposal) with Apple for inclusion in the 2021 proxy statement and in accordance with Rule 14a-8 of the General Rules and Regulations of the Securities and Exchange Act of 1934 (17 C.F.R. § 240.14a-8). Per Rule 14a-8, the Boston Common ESG Impact US Equity Fund holds more than \$2,000 of Apple common stock, acquired more than one year prior to today's date and held continuously for that time. Verification of ownership will follow. Boston Common Asset Management will continue to hold the required shares through the date of the 2021 annual meeting. A representative of the filers of this proposal will attend the stockholders' meeting to move the shareholder proposal as required by the SEC rules.

We are supporting Tim Brennan representing SumOfUs and Apple shareholders, who is the lead filer for this proposal. We would welcome a dialogue with Apple. We file this proposal to protect our right to do so. We would appreciate receiving a confirmation of receipt of this letter via email to sheim@bostoncommonasset.com.

Sincerely,



Steven Heim
Managing Director



Global Fund Services

777 East Wisconsin Avenue
Milwaukee, WI 53202

usbank.com/globalfundservices

September 28, 2020

Katherine Adams
Corporate Secretary
Apple Inc.
One Apple Park Way, MS-169-5GC
Cupertino, CA 95014

Re: Apple Inc. Stockholder Proposal

Dear Ms. Adams,

U.S. Bancorp is the custodian and record holder for the Boston Common ESG Impact U.S. Equity Fund (BCAMX).

We are writing to affirm that the Boston Common ESG Impact U.S. Equity Fund (BCAMX) currently holds 25,120 shares of Apple Inc. common stock and has held at least \$2,000 in market value of Apple Inc. shares continuously for at least the one-year period prior to and including the date of the submission of the Stockholder Proposal, September 3, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Smith".

Jennifer Smith
Mutual Funds Administrator
U.S. Bank Global Fund Services

Resolved: Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such commitments; and a description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, which accounts for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Apple pulled The New York Times app in 2017 following a government request.

Such actions have been reported widely and create reputational risk. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁵ Article 14 states “Everyone has the right to freedom of opinion and expression.”⁶ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eea21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ https://twitter.com/tim_cook/status/1204424808697663488

⁶ <https://www.un.org/en/universal-declaration-human-rights/>

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁷ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁸

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices.⁹ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁸ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

⁹ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

From: Sarah Couturier-Tanoh <scouturier-tanoh@share.ca>
Sent: Tuesday, September 29, 2020 3:00 PM
To: Miller, Brian (DC) <Brian.Miller@lw.com>
Subject: RE: Apple - Rule 14a-8 Deficiency Letter - Catherine Donnelly Foundation

Hi Brian,

I am writing on behalf of the Catherine Donnelly Foundation regarding the filing of the shareholder proposal at Apple Inc. Please, find attached to this email a revised version of the shareholder resolution. The new version of the document does not exceed the limit number of words as indicated by Rule 14a-8(d).

Kind regards,

Sarah Couturier-Tanoh
Senior Engagement Analyst

C:+1.581.397.5721



T:+1.604.695.2026 www.share.ca



SHARE's Vancouver office is located on the unceded territory of the x̱m̱əθkwəy̱əm (Musqueam), Skwxwú7mesh (Squamish), and Seḻilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.

Resolved: Shareholders of Apple Inc. (“Apple” or the “Company”) request that the Board of Directors report annually to shareholders, at reasonable expense and excluding confidential and proprietary information, on Apple’s management systems and processes for implementing its human rights policy commitments regarding freedom of expression and access to information; the oversight mechanisms for administering such commitments; and a description of actions Apple has taken in response to government or other third-party demands that were reasonably likely to limit free expression or access to information.

SUPPORTING STATEMENT

Apple sells products and services in countries whose governments limit free expression and punish dissent. In China, which accounts for 17% of Apple’s net sales in fiscal 2019,¹ the government “suppress[es] politically sensitive speech” and “wrong-oriented” online content, according to Human Rights Watch, and blocks sites using a filtering system nicknamed the “Great Firewall.”²

In 2020, Apple issued a statement, “Our Commitment to Human Rights.”³ Shareholders want to understand how this policy is being implemented and how it guides Company actions in light of rights violations in China and elsewhere.

Apple has cooperated with requests from the Chinese government to restrict free expression and access to information. In 2017, Apple removed almost all virtual private network (VPN) providers’ apps from its Chinese App Store, following a request from the government of China. VPNs have been used by activists and others to circumvent the Great Firewall, leading to a ban on their private use. The U.N.’s special rapporteur on opinion and expression registered concern over Apple’s move.⁴ Apple pulled The New York Times app in 2017 following a government request.

Such actions have been reported widely and create reputational risk. CEO Tim Cook has said: “The Universal Declaration of Human Rights is our common promise to uphold the inherent dignity of all.”⁵ Article 14 states “Everyone has the right to freedom of opinion and expression.”⁶ Yet Apple’s actions in China raise concerns about whether it is complicit with the Chinese state in repressing these freedoms.

¹ See Filing on Form 10-K for the fiscal year ended September 28, 2019, p. 54.

² See <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#eea21f>

³ https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf

⁴ <https://www.zdnet.com/article/un-special-rapporteur-apple-letter-china-vpn-demands/>

⁵ https://twitter.com/tim_cook/status/1204424808697663488

⁶ <https://www.un.org/en/universal-declaration-human-rights/>

Human rights violations in China are increasing. In the Uighur region there are reports that the Chinese state is forcibly sterilizing women and that guards are shaving the hair of Uighur prisoners and exporting it for profit.⁷ In Hong Kong, the new national security law imposed by the Chinese state is bringing the “Great Firewall” to that city for the first time.⁸

The 2019 Corporate Accountability Index by Ranking Digital Rights (“RDR”) ranked Apple 7th among 12 “internet and mobile ecosystem companies.” RDR criticized Apple’s governance of freedom of expression issues, including its lack of transparency on policies and practices.⁹ The information requested in this Proposal is intended to close those gaps. The Proposal does not request disclosure about actions that are unrelated to free expression or access to information.

We urge shareholders to vote for this Proposal.

⁷ <https://inews.co.uk/news/uk/uighurs-china-alleged-concentration-camps-muslims-557751>

⁸ <https://qz.com/1879754/hong-kongs-protest-movement-stymied-by-apples-china-ties/>

⁹ <https://rankingdigitalrights.org/index2019/companies/apple/index/>

Exhibit B

Transparency Report

Apple Transparency Report: Government and Private Party Requests

July 1 - December 31, 2019

Introduction

Apple is very seriously committed to protecting your data and we work hard to deliver the most secure hardware, software and services available. We believe our customers have a right to understand how their personal data is managed and protected. This report provides information regarding requests Apple received from government agencies worldwide and U.S. private parties from July 1 through December 31, 2019.

Types of requests we receive

Apple receives various forms of legal requests seeking information from or actions by Apple. We receive requests from governments globally where we operate and from private parties.

Government request circumstances can vary from instances where law enforcement agencies are working on behalf of customers who have requested assistance regarding lost or stolen devices, to instances where law enforcement are working on behalf of customers who suspect their credit card has been used fraudulently to purchase Apple products or services, to instances where an account is suspected to have been used unlawfully. Requests can also seek to preserve an Apple account, restrict access to an Apple account or delete an Apple account. Additionally, requests can relate to emergency situations where there is imminent harm to the safety of any person.

Private party request circumstances generally relate to instances where private litigants are involved in either civil or criminal proceedings.

Types of legal requests Apple receives from the United States can be: subpoenas, court orders, search warrants, pen register/trap and trace orders, or wiretap orders.

Types of legal requests Apple receives internationally can be: Production Orders (Australia, Canada, New Zealand), Requisition or Judicial Rogatory Letters (France), Solicitud Datos (Spain), Ordem Judicial (Brazil), Auskunftersuchen (Germany), Obligation de dépôt (Switzerland), 個人情報の開示依頼 (Japan), Personal Data Request (United Kingdom), as well as equivalent court orders and/or requests from other countries.

The restrictions imposed by the sanctions laws generally prohibit Apple from responding to requests from countries, territories or governments sanctioned by the U.S. Department of Treasury, with the exception of requests involving exempt informational material or where prior authorization has been secured.

Types of customer data sought in requests

The type of customer data sought in requests varies depending on the case under investigation. For example, in stolen device cases, law enforcement generally seek details of customers associated with devices or device connections to Apple services. In credit card fraud cases, law enforcement generally seek details of suspected fraudulent transactions. Depending on what the legal request asks, Apple will provide subscriber or transaction details in response to valid legal requests received.

In instances where an Apple account is suspected of being used unlawfully, law enforcement may seek details of the customer associated with the account, account connections or transaction details or account content. Any U.S. government agency seeking customer content data from Apple must obtain a search warrant issued upon a showing of probable cause. International requests for content must comply with applicable laws, including the U.S. Electronic Communications Privacy Act (ECPA). A request under a Mutual Legal Assistance Treaty or Agreement with the U.S. is in compliance with ECPA.

The type of customer data sought in emergency situations generally relates to details of customers' connection to Apple services. We have a dedicated team available around the clock to respond to emergency requests. Apple processes emergency requests from law enforcement globally on a 24/7 basis. An emergency request must relate to circumstances involving imminent danger of death or serious physical injury to any person. If Apple believes in good faith that it is a valid emergency, we may voluntarily provide information to law enforcement on an emergency basis.



How we manage and respond to requests

Apple has a centralized and standardized process for receiving, tracking, processing, and responding to legal requests from law enforcement, government, and private parties worldwide, from when a request is received until when a response is provided.

Government and private entities are required to follow applicable laws and statutes when requesting customer information and data. We contractually require our service providers to abide by the same standard for any government information requests for Apple data. Our legal team reviews requests received to ensure that the requests have a valid legal basis. If they do, we comply with the requests and provide data responsive to the request. If we determine a request does not have a valid legal basis, or if we consider it to be unclear, inappropriate and/or over-broad, we challenge or reject it.

How we count requests and responses

Apple counts requests received from government agencies worldwide and United States private parties within the reporting period in which they are received. Overall numbers of requests and responses are reported.

A request with a valid legal basis is processed and responded to, and is counted as one request. A request that is challenged/rejected is counted as one request. Where new legal process is submitted to amend the request, it is counted as a new request. We count each request we challenge or reject for account-based, account restriction/deletion, emergency and private party requests; and report these numbers accordingly.

We count the number of discernible devices, financial identifiers, and/or accounts specified in requests, and report these accordingly by type. If there are two identifiers for one device in a request, for example a serial number and IMEI number, we count this as one device. If there are multiple identifiers for one account in a request, for example Apple ID, full name and phone number, we count this as one account.

For United States Government Requests by Legal Process Type reporting, where two types of legal process are combined in a single request, such as a search warrant with an incorporated court order, we record the request at the highest level of legal process and the request would be reported as a search warrant. An exception is where a pen register/trap and trace order is received; this is counted as a pen register/trap and trace order, notwithstanding that it may include a search warrant.

How we report requests and responses

We report on requests and responses in the following categories:

- 1) Worldwide Government Device Requests
- 2) Worldwide Government Financial Identifier Requests
- 3) Worldwide Government Account Requests
- 4) Worldwide Government Account Preservation Requests
- 5) Worldwide Government Account Restriction/Deletion Requests
- 6) Worldwide Government Emergency Requests
- 7) United States Government National Security Requests
- 8) United States Government Device Requests by Legal Process Type
- 9) United States Government Financial Identifier Requests by Legal Process Type
- 10) United States Government Account Requests by Legal Process Type
- 11) United States Private Party Requests for Information
- 12) United States Private Party Requests for Account Restriction/Deletion
- 13) Worldwide Government App Store Takedown Requests - Legal Violations
- 14) Worldwide Government App Store Takedown Requests - Platform Policy Violations

For government agency requests for customer information and data, we report the numbers of requests we receive and our responses in various categories. For United States National Security requests for customer information and data, we report as much detail as we are legally allowed. In order to report FISA non-content and content requests in separate categories, Apple is required by law to delay reporting by 6 months and report the numbers in ranges of 500, pursuant to the USA FREEDOM Act of 2015.

Customer notification

When we receive an account request seeking our customers' information and data, we notify the customer that we have received a request concerning their personal data except where we are explicitly prohibited by the legal process, by a court order Apple receives, or by applicable law. We reserve the right to make exceptions, such as instances where we believe providing notice creates a risk of injury or death to an identifiable individual, or where the case relates to child endangerment, or where notice is not applicable to the underlying facts of the case.



**Table 1: Worldwide Government Device Requests
July 1 - December 31, 2019**

Table 1 provides information regarding device-based requests received. Examples of such requests are where law enforcement agencies are working on behalf of customers who have requested assistance regarding lost or stolen devices. Additionally, Apple regularly receives multi-device requests related to fraud investigations. Device-based requests generally seek details of customers associated with devices or device connections to Apple services.

Country or Region ¹	# of Device Requests Received	# of Devices Specified in the Requests	# of Device Requests Where Data Provided	% of Device Requests Where Data Provided
Asia Pacific				
Australia	1,694	3,015	1,089	64%
China mainland	781	22,187	756	97%
Hong Kong	246	271	160	65%
Japan	1,245	3,882	1,105	89%
Macau	1	1	1	100%
New Zealand	208	219	124	60%
Singapore	1,324	1,349	1,197	90%
South Korea	45	6,292	24	53%
Taiwan	144	361	102	71%
Thailand	12	29	1	8%
Asia Pacific Total	5,700	37,606	4,559	80%
Europe, Middle East, India, Africa				
Andorra	18	21	16	89%
Austria	400	620	202	51%
Belgium	108	198	88	81%
Czech Republic	62	555	44	71%
Denmark	48	62	38	79%
Estonia	1	1	1	100%
Finland	2	3	1	50%
France	789	1,563	530	67%
Germany	13,761	21,371	10,986	80%
Greece	64	71	56	88%
Hungary	39	47	32	82%
India	42	126	21	50%
Ireland	112	224	90	80%
Italy	320	603	124	39%
Kenya	1	2	0	0%
Liechtenstein	1	1	0	0%
Luxembourg	8	34	8	100%
Malta	1	1	1	100%
Monaco	1	1	0	0%
Netherlands	37	117	27	73%
North Macedonia	1	1	0	0%
Norway	22	47	8	36%
Poland	46	2,543	34	74%
Portugal	113	129	73	65%
Romania	7	10	4	57%
Russia	973	1,499	816	84%
Slovakia	2	4	0	0%
Slovenia	15	81	15	100%
South Africa	7	370	7	100%
Spain	1,491	2,695	1,204	81%
Sweden	92	950	86	93%
Switzerland	225	511	183	81%
Turkey	43	52	16	37%
United Arab Emirates	1	1	1	100%
United Kingdom	568	1,223	392	69%
Europe, Middle East, India, Africa Total	19,421	35,737	15,104	78%
Latin America				
Brazil	1,098	4,614	929	85%
Chile	51	707	44	86%
Colombia	1	1	1	100%
Latin America Total	1,150	5,322	974	85%
North America				
Canada	24	228	22	92%
United States of America	5,271	80,235	4,396	83%
North America Total	5,295	80,463	4,418	83%
Worldwide Total	31,566	159,128	25,055	79%

¹ Only countries / regions where Apple received device requests during report period July 1 - December 31, 2019, are listed.



of Device Requests Received

The number of device-based requests received from a government agency seeking customer data related to specific device identifiers, such as serial number or IMEI number. Requests can be in various formats such as subpoenas, court orders, warrants, or other valid legal requests. We count each individual request received from each country/region and report the total number of requests received by country/region.

of Devices Specified in the Requests

The number of devices specified in the requests. One request may contain one or multiple device identifiers. For example, in a case related to the theft of a shipment of devices, law enforcement may seek information related to several device identifiers in a single request. We count the number of devices identified in each request, received from each country/region, and report the total number of devices specified in requests received by country/region.

of Device Requests Where Data Provided

The number of device-based requests that resulted in Apple providing data, such as customers associated with devices, device connections to Apple services, purchase, customer service, or repair information, in response to a valid legal request. We count each device-based request where we provide data and report the total number of such instances by country/region.

% of Device Requests Where Data Provided

The percentage of device-based requests that resulted in Apple providing data. We calculate this based on the number of device-based requests that resulted in Apple providing data per country/region, compared to the total number of device-based requests Apple received from that country/region.



**Table 2: Worldwide Government Financial Identifier Requests
July 1 - December 31, 2019**

Table 2 provides information regarding financial identifier-based requests received. Examples of such requests are where law enforcement agencies are working on behalf of customers who have requested assistance regarding suspected fraudulent credit card activity used to purchase Apple products or services. Financial identifier-based requests generally seek details of suspected fraudulent transactions.

Country or Region ¹	# of Financial Identifier Requests Received	# of Financial Identifiers Specified in the Requests	# of Financial Identifier Requests Where Data Provided	% of Financial Identifier Requests Where Data Provided
Asia Pacific				
Australia	83	678	52	63%
China mainland	26	55	21	81%
Hong Kong	155	230	54	35%
Japan	173	5,620	144	83%
Macau	6	6	3	50%
New Zealand	2	3	1	50%
Singapore	89	711	73	82%
South Korea	24	57	15	63%
Taiwan	319	361	302	95%
Thailand	1	1	0	0%
Asia Pacific Total	878	7,722	665	76%
Europe, Middle East, India, Africa				
Austria	28	141	2	7%
Belgium	12	141	10	83%
Bulgaria	1	1	0	0%
Czech Republic	11	12	10	91%
Denmark	6	6	2	33%
Estonia	1	1	1	100%
Finland	6	71	1	17%
France	401	1,118	244	61%
Germany	786	4,823	693	88%
Greece	1	1	0	0%
Hungary	7	8	5	71%
India	211	247	108	51%
Ireland	12	129	9	75%
Israel	1	1	1	100%
Italy	118	163	21	18%
Liechtenstein	1	1	1	100%
Lithuania	1	1	0	0%
Luxembourg	1	1	1	100%
Netherlands	3	3	3	100%
Norway	5	5	4	80%
Poland	41	42	32	78%
Portugal	19	49	14	74%
Qatar	1	1	0	0%
Romania	23	23	21	91%
Russia	32	40	11	34%
Slovenia	2	2	0	0%
Spain	711	845	488	69%
Sweden	3	3	3	100%
Switzerland	70	764	55	79%
Turkey	193	196	126	65%
United Arab Emirates	3	3	1	33%
United Kingdom	41	880	25	61%
Europe, Middle East, India, Africa Total	2,752	9,722	1,892	69%
Latin America				
Argentina	1	4	1	100%
Brazil	5	5	3	60%
Costa Rica	3	3	2	67%
Latin America Total	9	12	6	67%
North America				
Canada	5	6	3	60%
Mexico	1	3	1	100%
United States of America	582	3,399	425	73%
North America Total	588	3,408	429	73%
Worldwide Total	4,227	20,864	2,992	71%

¹ Only countries / regions where Apple received financial identifier requests during report period July 1 - December 31, 2019, are listed.



of Financial Identifier Requests Received

The number of financial identifier-based requests received from a government agency seeking customer data related to specific financial identifiers, such as credit card or gift card number. Financial identifier-based requests can be in various formats such as subpoenas, court orders, warrants, or other valid legal requests. We count each individual request received from each country/region and report the total number of requests received by country/region.

of Financial Identifiers Specified in the Requests

The number of financial identifiers specified in the requests. One request may contain one or multiple financial identifiers. For example, in a case related to large scale fraud, law enforcement may seek information related to several credit card numbers in a single request. We count the number of financial identifiers identified in each request, received from each country/region, and report the total number of financial identifiers specified in requests received by country/region.

of Financial Identifier Requests Where Data Provided

The number of financial identifier-based requests that resulted in Apple providing data, such as transaction details, in response to a valid legal request. We count each financial identifier-based request where we provide data and report the total number of such instances by country/region.

% of Financial Identifier Requests Where Data Provided

The percentage of financial identifier-based requests that resulted in Apple providing data. We calculate this based on the number of financial identifier-based requests that resulted in Apple providing data per country/region, compared to the total number of financial identifier-based requests Apple received from that country/region.



**Table 3: Worldwide Government Account Requests
July 1 - December 31, 2019**

Table 3 provides information regarding account-based requests received. Examples of such requests are where law enforcement agencies are working on cases where they suspect an account may have been used unlawfully or in violation of Apple's terms of service. Account-based requests generally seek details of customers' iTunes or iCloud accounts, such as a name and address; and in certain instances customers' iCloud content, such as stored photos, email, iOS device backups, contacts or calendars.

Country or Region ¹	# of Account Requests Received	# of Accounts Specified in the Requests	# of Account Requests Challenged in Part or Rejected in Full	# of Account Requests Where Only Non-Content Data Provided	# of Account Requests Where Content Data Provided	% of Account Requests Where Data Provided
Asia Pacific						
Australia	142	181	14	106	1	75%
China mainland	45	2,085	0	39	2	91%
Hong Kong	8	12	1	3	0	38%
Japan	309	475	27	263	0	85%
New Zealand	8	13	2	3	0	38%
Singapore	45	47	1	38	0	84%
South Korea	25	32	12	11	0	44%
Taiwan	492	966	2	421	0	86%
Asia Pacific Total	1,074	3,811	59	884	3	83%
Europe, Middle East, India, Africa						
Andorra	2	3	0	2	0	100%
Austria	13	19	5	2	1	23%
Belgium	13	35	0	12	0	92%
Czech Republic	12	17	1	9	0	75%
Denmark	4	9	2	1	1	50%
Finland	4	10	3	1	0	25%
France	250	356	38	145	1	58%
Germany	480	696	38	366	0	76%
Greece	5	5	0	4	0	80%
Hungary	5	17	0	5	0	100%
India	12	15	6	6	0	50%
Ireland	10	25	2	7	1	80%
Italy	42	44	24	13	0	31%
Kuwait	1	1	1	0	0	0%
Latvia	1	1	1	0	0	0%
Malta	1	1	0	1	0	100%
Moldova	2	2	1	1	0	50%
Monaco	1	1	1	0	0	0%
Netherlands	69	204	5	36	1	54%
North Macedonia	1	1	1	0	0	0%
Norway	5	5	1	3	0	60%
Poland	19	26	4	14	0	74%
Portugal	11	11	5	6	0	55%
Qatar	1	3	1	0	0	0%
Romania	5	8	3	3	0	60%
Russia	14	18	5	6	0	43%
South Africa	1	1	0	1	0	100%
Spain	56	73	11	39	0	70%
Sweden	31	45	0	28	0	90%
Switzerland	27	44	3	16	0	59%
Turkey	18	22	4	10	0	56%
Ukraine	2	4	1	0	1	50%
United Kingdom	426	505	34	344	2	81%
Europe, Middle East, India, Africa Total	1,544	2,227	201	1,081	8	71%
Latin America						
Argentina	2	2	1	0	0	0%
Brazil	734	4,853	12	70	547	84%
Chile	4	6	1	1	0	25%
Colombia	2	3	1	1	0	50%
Costa Rica	1	1	0	1	0	100%
Ecuador	1	1	0	1	0	100%
Latin America Total	744	4,866	15	74	547	83%
North America						
Canada	22	33	0	20	0	91%
Mexico	1	3	0	1	0	100%
United States of America	4,095	31,780	98	1,921	1,724	89%
North America Total	4,118	31,816	98	1,942	1,724	89%
Worldwide Total	7,480	42,720	373	3,981	2,282	84%

¹ Only countries / regions where Apple received account requests during report period July 1 - December 31, 2019, are listed.



of Account Requests Received

The number of account-based requests received from a government agency seeking customer data related to specific Apple account identifiers, such as Apple ID or email address. Account-based requests can be in various formats such as subpoenas, court orders, warrants, or other valid legal requests. We count each individual request received from each country/region and report the total number of requests received by country/region.

of Accounts Specified in the Requests

The number of accounts specified in the requests. One request may contain one or multiple account identifiers. For example, in a case related to suspected phishing, law enforcement may seek information related to several accounts in a single request. We count the number of accounts identified in each request, received from each country/region, and report the total number of accounts specified in requests received by country/region.

of Account Requests Challenged in Part or Rejected in Full

The number of account-based requests that resulted in Apple challenging the request in part, or rejecting the request in full, based on grounds such as a request does not have a valid legal basis, or is unclear, inappropriate, and/or over-broad. For example, Apple may reject a law enforcement request if it considers the scope of data requested as excessively broad for the case in question. We count each account-based request where we challenge it in part, or reject it in full, and report the total number of such instances by country/region.

of Account Requests Where Only Non-Content Data Provided

The number of account-based requests that resulted in Apple only providing non-content data, such as subscriber, account connections or transactional information, in response to a valid legal request. We count each account-based request where we provide only non-content data and report the total number of such instances by country/region.

of Account Requests Where Content Data Provided

The number of account-based requests that resulted in Apple providing content data, such as stored photos, email, iOS device backups, contacts or calendars, in response to a valid legal request. We count each account-based request where we provide content data and report the total number of such instances by country/region.

% of Account Requests Where Data Provided

The percentage of account-based requests that resulted in Apple providing either non-content and/or content data. We calculate this based on the number of account-based requests that resulted in Apple providing data (including both non-content and content) per country/region, compared to the total number of account-based requests Apple received from that country/region.



**Table 4: Worldwide Government Account Preservation Requests
July 1 - December 31, 2019**

Table 4 provides information regarding account preservation requests received. Under the U.S. Electronic Communications Privacy Act (ECPA) government agencies may request Apple to preserve users' account data by performing a one-time data pull of the requested existing user data available at the time of the request for 90 days (up to 180 days if Apple receives a renewal request). Examples of such requests are where law enforcement agencies suspect an account may have been used unlawfully or in violation of Apple's terms of service, and request Apple to preserve the account data while they obtain legal process for the data.

Country or Region ¹	# of Account Preservation Requests Received	# of Accounts Specified in the Requests	# of Accounts Where Data Preserved
Asia Pacific			
Australia	12	30	12
New Zealand	2	11	1
South Korea	1	1	1
Asia Pacific Total	15	42	14
Europe, Middle East, India, Africa			
Belgium	2	2	0
Denmark	3	8	8
Finland	5	11	8
France	1	1	0
Germany	13	22	18
India	2	4	1
Ireland	5	5	4
Italy	5	7	6
Netherlands	5	6	5
North Macedonia	2	2	2
Norway	2	5	5
Portugal	2	2	2
Spain	1	1	1
Sweden	13	21	19
Switzerland	1	1	0
Ukraine	1	1	1
United Kingdom	48	78	63
Europe, Middle East, India, Africa Total	111	177	143
Latin America			
Argentina	3	3	3
Brazil	98	663	344
Latin America Total	101	666	347
North America			
Canada	16	30	23
Mexico	2	4	3
United States of America	2,522	6,741	4,798
North America Total	2,540	6,775	4,824
Worldwide Total	2,767	7,660	5,328

¹ Only countries / regions where Apple received account preservation requests during report period July 1 - December 31, 2019, are listed.

of Account Preservation Requests Received

The number of account preservation requests received from a government agency. We count each individual request received from each country/region and report the total number of requests received by country/region.

of Accounts Specified in the Requests

The number of accounts specified in the requests. One request may contain one or multiple account identifiers. For example, in a case related to suspected illegal activity, law enforcement may request Apple to preserve information related to several accounts in a single request. We count the number of accounts identified in each request, received from each country/region, and report the total number of accounts specified in requests received by country/region.

of Accounts Where Data Preserved

The number of accounts that resulted in Apple preserving data in response to a valid preservation request. We count the number of accounts in each request where data was preserved and report the total number of accounts for which data was preserved by country/region.



**Table 5: Worldwide Government Account Restriction/Deletion Requests
July 1 - December 31, 2019**

Table 5 provides information regarding account restriction/deletion requests received. Examples of such requests are where law enforcement agencies suspect an account may have been used unlawfully or in violation of Apple's terms of service, and request Apple to restrict or delete the account. For requests seeking to restrict/delete a customer's Apple ID, Apple requires a court order (including conviction or warrant) demonstrating that the account to be restricted/deleted was used unlawfully, except in situations where the case has been verified by Apple to relate to child endangerment.

Country or Region ¹	# of Account Restriction/ Account Deletion Requests Received	# of Accounts Specified in the Requests	# of Requests Rejected/ Challenged Where No Action Taken	# of Requests Where Account Restricted	# of Requests Where Account Deleted
Asia Pacific					
Japan	1	1	0	1	0
Asia Pacific Total	1	1	0	1	0
Europe, Middle East, India, Africa					
Denmark	1	1	0	1	0
India	1	1	0	1	0
Sweden	1	1	0	1	0
United Kingdom	2	2	0	1	1
Europe, Middle East, India, Africa Total	5	5	0	4	1
North America					
United States of America	5	5	0	4	1
North America Total	5	5	0	4	1
Worldwide Total	11	11	0	9	2

¹ Only countries / regions where Apple received account restriction/deletion requests during report period July 1 - December 31, 2019, are listed.

**# of Account
Restriction/Account
Deletion Requests
Received**

The number of requests received from a government agency seeking to restrict or delete a customer's Apple account. We count each individual request received from each country/region and report the total number of requests received by country/region.

**# of Accounts
Specified in the
Requests**

The number of accounts specified in the requests. One request may contain one or multiple account identifiers. For example, in a case related to possession or distribution of illegal material, law enforcement may request Apple to restrict or delete several accounts in a single request. We count the number of accounts identified in each request, received from each country/region, and report the total number of accounts specified in requests received by country/region.

**# of Requests
Rejected/
Challenged Where
No Action Taken**

The number of account restriction/deletion requests that resulted in Apple challenging or rejecting the request based on grounds such as a request does not have a valid legal basis, or is unclear, inappropriate, and/or over-broad, or where it is not accompanied by a court order (including conviction or warrant) demonstrating that the account to be restricted/deleted was used unlawfully; and where no action was taken by Apple. We count each account restriction/deletion request where we challenge or reject it and report the total number of such instances by country/region.

**# of Requests
Where Account
Restricted**

The number of requests where Apple determined the request and order sufficiently demonstrated the account to be restricted was used unlawfully and we proceeded with restriction. We count each request where we proceeded with account restriction and report the total number of such instances by country/region.

**# of Requests
Where Account
Deleted**

The number of requests where Apple determined the request and order sufficiently demonstrated the account to be deleted was used unlawfully and we deleted the Apple account. We count each request where we deleted an account and report the total number of such instances by country/region.



**Table 6: Worldwide Government Emergency Requests
July 1 - December 31, 2019**

Table 6 provides information regarding emergency requests received. Under the U.S. Electronic Communications Privacy Act (ECPA) government agencies may request Apple to voluntarily disclose information, including customer information and contents of communications, to a government entity if Apple believes in good faith that an emergency involving imminent danger of death or serious physical injury to any person requires such disclosure without delay. International agencies may make similar requests to Apple under applicable local law. Examples of such requests are where a person may be missing and law enforcement believes the person may be in danger. Emergency requests generally seek details of customers' connections to Apple services.

Country or Region ¹	# of Emergency Requests Received	# of Requests Rejected/Challenged & No Data Provided	# of Emergency Requests Where No Data Provided	# of Emergency Requests Where Data Provided	% of Emergency Requests Where Data Provided
Asia Pacific					
Australia	5	0	1	4	80%
China mainland	2	0	0	2	100%
Japan	7	0	0	7	100%
Taiwan	1	0	0	1	100%
Asia Pacific Total	15	0	1	14	93%
Europe, Middle East, India, Africa					
Austria	5	0	0	5	100%
France	9	0	0	9	100%
Germany	22	0	2	20	91%
Greece	2	0	0	2	100%
India	3	0	0	3	100%
Israel	2	0	0	2	100%
Malta	3	0	0	3	100%
Netherlands	11	0	1	10	91%
Norway	2	0	0	2	100%
Poland	1	0	1	0	0%
Qatar	1	0	0	1	100%
Sweden	1	0	1	0	0%
Switzerland	13	0	1	12	92%
Turkey	1	0	0	1	100%
United Kingdom	423	3	35	385	91%
Europe, Middle East, India, Africa Total	499	3	41	455	91%
Latin America					
Brazil	13	0	1	12	92%
Chile	1	0	0	1	100%
Latin America Total	14	0	1	13	93%
North America					
Canada	55	0	3	52	95%
Mexico	3	0	0	3	100%
United States of America	249	3	31	215	86%
North America Total	307	3	34	270	88%
Worldwide Total	835	6	77	752	90%

¹ Only countries / regions where Apple received emergency requests during report period July 1 - December 31, 2019, are listed.



of Emergency Requests Received

The number of emergency requests received from a government agency. We count each individual request received from each country/region and report the total number of requests received by country/region.

of Requests Rejected/Challenged & No Data Provided

The number of emergency requests that resulted in Apple challenging or rejecting the request based on grounds such as a request is unclear, inappropriate, or fails to demonstrate that it relates to an emergency circumstance; and where no data was provided. We count each emergency request where we challenge or reject it and report the total number of such instances by country/region.

of Emergency Requests Where No Data Provided

The number of emergency requests that resulted in Apple providing no data. For example, instances where there was no responsive data. We count each emergency request where we do not provide data and report the total number of such instances by country/region.

of Emergency Requests Where Data Provided

The number of emergency requests that resulted in Apple providing data, such as connections to Apple services, subscriber or transactional information, in response to a valid emergency request. We count each emergency request where we provide data and report the total number of such instances by country/region.

% of Emergency Requests Where Data Provided

The percentage of emergency requests that resulted in Apple providing data. We calculate this based on the number of emergency requests that resulted in Apple providing data per country/region, compared to the total number of emergency requests Apple received from that country/region.



**Table 7: United States Government National Security Requests
July 1 - December 31, 2019**

Table 7 provides information regarding United States national security requests that Apple received for customer data, including orders received under the Foreign Intelligence Surveillance Act ("FISA") and National Security Letters ("NSLs"). To date, Apple has not received any orders for bulk data.

We report national security requests received for Apple users/accounts (NSLs and orders received under FISA) within ranges permissible by law pursuant to the USA FREEDOM Act of 2015 ("USA Freedom"). In order to report FISA non-content and content requests in separate categories, Apple is required by law to delay reporting by 6 months and report in bands of 500. Though we want to be more specific, this is currently the range permitted under USA Freedom for reporting this level of detail regarding national security requests.

National Security Request Type	# of Requests Received	# of Users/Accounts
FISA Non-Content Requests	0 - 499	15,500 - 15,999
FISA Content Requests	0 - 499	17,500 - 17,999
National Security Letters	2 - 499	1,505 - 1,999
National Security Letters where non-disclosure order lifted	2	

The below table identifies the two National Security Letters received during this reporting period where the non-disclosure orders have been lifted and public disclosure is permitted. See [Apple's Transparency website](#) for redacted PDFs of these National Security Letters.

National Security Letter #	Issue Date	Non-Disclosure Order End Date
NSL-19-483160	7/23/19	7/15/20
NSL-19-499673	10/17/19	7/24/20

National Security Request Type

FISA Non-Content & Content Requests: FISA Court issued orders for non-content or content data. Non-content data is data such as subscriber or transactional information and connection logs. Content data is data such as stored photos, email, iOS device backups, contacts or calendars.

National Security Letters: Federal Bureau of Investigation issued requests for non-content data in national security investigations. Non-content data is data such as subscriber data. Apple does not produce transactional information and connection logs in response to National Security Letters.

of Requests Received

The number of United States National Security requests received. We count each individual order and National Security Letter received for Apple users/accounts and report the total number of orders and National Security Letters received within bands/ranges permissible by law. Pursuant to USA Freedom, to report the number of non-content and content orders received, we are limited to providing this data in bands of 500.

of Users/Accounts

We count the number of users/accounts in each request received for which Apple has data and report the total number of users/accounts within bands permissible by law. Pursuant to USA Freedom, we are limited to providing this data in bands of 500.

National Security Letter #

Government-issued reference number assigned when a National Security Letter is approved and signed by a Federal Bureau of Investigation Special Agent in Charge.

Issue Date

Date the National Security Letter was approved and signed by the Special Agent in Charge.

Non-Disclosure Order End Date

Date where a non-disclosure order for a specific National Security Letter is lifted and public disclosure of the National Security Letter is permitted.



**Tables 8, 9, 10: United States Government Requests by Legal Process Type
July 1 - December 31, 2019**

Tables 8, 9, and 10 provide information regarding United States requests by legal process type. Legal process types can be Search Warrants, Wiretap Orders, Pen Register/Trap and Trace Orders, Other Court Orders, or Subpoenas.

Table 8: United States Government Device Requests by Legal Process Type

Table 8 provides information regarding the types of legal process Apple received as Device Requests.

# of Device Requests	Search Warrants	Wiretap Orders	Pen Register/Trap & Trace Orders	Other Court Orders	Subpoenas
5,271	496	N/A	1	157	4,617
% of Total (100%)	9%	-	~0%	3%	88%

Table 9: United States Government Financial Identifier Requests by Legal Process Type

Table 9 provides information regarding the types of legal process Apple received as Financial Identifier Requests.

# of Financial Identifier Requests	Search Warrants	Wiretap Orders	Pen Register/Trap & Trace Orders	Other Court Orders	Subpoenas
582	92	N/A	0	37	453
% of Total (100%)	16%	-	0%	6%	78%

Table 10: United States Government Account Requests by Legal Process Type

Table 10 provides information regarding the types of legal process Apple received as Account Requests.

# of Account Requests	Search Warrants	Wiretap Orders	Pen Register/Trap & Trace Orders	Other Court Orders	Subpoenas
4,095	1,937	0	45	320	1,793
% of Total (100%)	47%	0%	1%	8%	44%



of Device/ Financial Identifier/ Account Requests

The total number of United States government requests Apple received by request type (Device, Financial Identifier, and Account). We count each individual request received from the United States by request type and report the total number of requests received by request type.

Search Warrants

A search warrant is a judicial document used in a criminal case authorizing law enforcement officers to search a person or place to obtain evidence. The Fourth Amendment requires that law enforcement officers obtain search warrants by submitting affidavits and other evidence to a judge or magistrate to meet a burden of proof that a search will yield evidence related to a crime. The judge or magistrate will issue the warrant if satisfied that the law enforcement officers have met the burden of proof. For customer content, Apple requires a search warrant issued upon a showing of probable cause in order to provide content.

Wiretap Orders

A wiretap order is a specific type of court order used in a criminal case that authorizes law enforcement officers to obtain contents of communications in real-time. A Title III wiretap order includes requirements that law enforcement officers make an application and furnish evidence to a judge or magistrate to demonstrate there is probable cause to believe that interception of communications will yield evidence related to a particular crime, there is probable cause to believe that an individual has committed or is about to commit a particular crime and must specifically identify the individual/target whose communications are to be intercepted. A statement must also be included as to whether other investigatory measures have been tried and failed or are unlikely to succeed. If satisfied that the requirements have been met, the judge or magistrate will issue the wiretap order. A wiretap order allows the government to obtain content on a forward-looking basis for a specific limited period of time as opposed to stored historical content. Apple can intercept users' iCloud email communications upon receipt of a valid Wiretap Order. Apple cannot intercept users' iMessage or FaceTime communications as these communications are end-to-end encrypted.

Pen Register/Trap & Trace Orders

A pen register or trap and trace order is a specific type of court order used in a criminal case authorizing law enforcement officers to obtain headers of electronic communications and other non-content data in real-time. A pen register order requires law enforcement officers to make a statement of the offense to which the pen register relates and certify the information likely to be obtained is relevant/material to an ongoing criminal investigation. The legal standard for obtaining a pen register order is lower than what is required for a search warrant or a wiretap order. A pen register order allows the government to obtain non-content data on a forward-looking basis for a specific limited period of time as opposed to stored historical information. A pen register order can be combined with a court order/warrant for historical records; in such instances, we report the process type as pen register/trap and trace order.

Other Court Orders

A court order is a document issued by a judge or magistrate directing a person or entity to comply with the order. An order may be issued in either a criminal or civil case. Government agencies applying for an order in a criminal case must generally present facts and evidence to a judge or magistrate showing there are reasonable grounds to believe that the information sought is relevant and material to an ongoing criminal investigation or similar legal standard. Non-content data such as subscriber and transaction information can be provided in response to a court order.

Subpoenas

A subpoena or equivalent legal process request (e.g. petition or summons) is a document issued by a government agency or court directing a person or entity to comply with requests for information. Local, state and federal government agencies may issue subpoenas. Under many jurisdictions, a judge or magistrate is not required to review a subpoena before it is issued. Accordingly, the subpoena has the lowest threshold for burden of proof. A subpoena may be issued in either a criminal or civil case. Non-content data such as device, subscriber and connection information can be provided in response to a subpoena.

% of Total

The percentage of requests by Legal Process Type. We calculate this based on the number of respective Legal Process Types compared to the respective total number of Device/Financial Identifier/Account Requests received by Apple.



**Table 11: United States Private Party Requests for Information
July 1 - December 31, 2019**

Table 11 provides information regarding United States private party (non-government) requests for information. Examples of such requests are where private litigants are involved in either civil or criminal proceedings. Apple complies with these requests insofar as we are legally required to do so.

# of Private Party Requests	# of Requests Rejected/ Challenged & No Data Provided	# of Requests Where No Data Provided	# of Requests Where Data Provided
202	39	101	62
% of Total (100%)	19%	50%	31%

of Private Party Requests The number of requests received from private parties (non-government) in the United States seeking customer data related to specific devices, financial identifiers and/or accounts. We count each individual request received from private parties and report the total number of requests received.

of Requests Rejected/Challenged & No Data Provided The number of private party requests that resulted in Apple challenging or rejecting the request based on grounds such as a request does not have a valid legal basis, or is unclear and/or over-broad; and where no data was provided. We count each private party request where we challenge or reject it in full, and report the total number of such instances.

of Requests Where No Data Provided The number of private party requests that resulted in Apple providing no data. For example, where there was no responsive data. We count each instance where we do not provide data in response to a private party request and report the total number of such instances.

of Requests Where Data Provided The number of private party requests that resulted in Apple providing data in response to valid legal process or subscriber consent. We count each instance where we provide data in response to a private party request and report the total number of such instances.

% of Total The percentages are calculated based on the number of the respective response types compared to the total number of private party requests received by Apple.



**Table 12: United States Private Party Requests for Account Restriction/Deletion
July 1 - December 31, 2019**

Table 12 provides information regarding United States private party (non-government) requests for Apple account restriction/deletion. Examples of such requests are where private litigants are involved in either civil or criminal proceedings, and requests for Apple to restrict/delete an account may arise. For requests seeking to restrict/delete a customer's Apple ID, Apple requires a court order. Apple complies with these requests insofar as we are legally required to do so.

# of Account Restriction/ Account Deletion Requests Received	# of Accounts Specified in the Requests	# of Requests Rejected/ Challenged Where No Action Taken	# of Account Restriction Requests Where Account Restricted	# of Account Deletion Requests Where Account Deleted
0	0	0	0	0

**# of Account
Restriction/Account
Deletion Requests
Received**

The number of requests received from private parties (non-government), such as participants in a civil or family law case, seeking to restrict or delete a customer's Apple ID. We count each individual request received from private parties and report the total number of requests received.

**# of Accounts
Specified in the
Requests**

The number of accounts specified in the requests. One request may contain one or multiple account identifiers. For example, in a case related to multiple shared accounts, a private party may request Apple to restrict or delete several accounts in a single request. We count the number of accounts identified in each request received from private parties and report the total number of accounts specified in requests received.

**# of Requests
Rejected/Challenged
Where No Action
Taken**

The number of account restriction/deletion requests that resulted in Apple challenging or rejecting the request based on grounds such as a request does not have a valid legal basis, or is unclear, inappropriate, and/or over-broad, or where it is not accompanied by a court order demonstrating the grounds upon which the account is to be restricted/deleted; and where no action was taken by Apple. We count each account restriction/deletion request where we challenge or reject it and report the total number of such instances.

**# of Account
Restriction Requests
Where Account
Restricted**

The number of account restriction requests where Apple determined the request and order sufficiently demonstrated the grounds upon which the specified account was to be restricted; and we proceeded with the requested restriction. We count each account restriction request where we proceeded with restriction and report the total number of such instances.

**# of Account
Deletion Requests
Where Account
Deleted**

The number of account deletion requests where Apple determined the request and order sufficiently demonstrated the grounds upon which the specified account was to be deleted; and we deleted the Apple account. We count each account deletion request where we deleted an account and report the total number of such instances.



**Table 13: Worldwide Government App Store Takedown Requests - Legal Violations
July 1 - December 31, 2019**

Table 13 provides information regarding requests from government authorities to remove apps from the App Store based on alleged/suspected violations of local law. Examples of such requests are where law enforcement or regulatory agencies suspect an app may be unlawful or relate to/contain unlawful content. Apple complies with these requests insofar as we are legally required to do so.

(App removals were limited to requesting country/region App Store storefront)

Country or Region ¹	# of Legal Violation Takedown Requests Received	# of Apps Specified in the Requests	# of Requests Objected to in Part or Rejected in Full	# of Requests Where App Removed	# of Apps Removed	# of Appeals Received	# of Appeals Granted	# of Apps Reinstated
Asia Pacific								
China mainland ²	47	203	3	45	187	0	0	0
Vietnam ³	2	33	2	0	0	0	0	0
Asia Pacific Total	49	236	5	45	187	0	0	0
Europe, Middle East, India, Africa								
Austria ⁴	1	18	0	1	18	0	0	0
Hungary ⁵	1	1	1	0	0	0	0	0
India ⁵	1	1	0	1	1	1	1	1
Russia ⁶	2	2	1	1	1	0	0	0
Europe, Middle East, India, Africa Total	5	22	2	3	20	1	1	1
Worldwide Total	54	258	7	48	207	1	1	1

¹ Only countries / regions where Apple received legal violation removal requests during report period July 1 - December 31, 2019, are listed.

² Requests predominantly related to apps with pornography, illegal content, and apps operating without government license.

³ Requests related to gaming apps operating without government approval and gambling apps.

⁴ Request related to illegal gambling apps.

⁵ Request related to app operating without government license.

⁶ Requests related to gambling apps.



# of Legal Violation Takedown Requests Received	The number of requests received from a government agency seeking to take down a third party application offered on the App Store related to alleged/suspected legal violations. We count each individual request received from each country or region and report the total number of requests received by country or region.
# of Apps Specified in the Requests	The number of apps specified in the requests verified to be apps available on the App Store. One request may contain one or multiple apps. A government agency may request Apple to take down several apps in a single request. We count the number of apps identified in each request received from each country or region and report the total number of apps specified in requests received by country or region.
# of Requests Objected to in Part or Rejected in Full	The number of app takedown requests related to alleged/suspected legal violations that resulted in Apple objecting to or rejecting the request in part or in full based on grounds such as a request does not have a valid legal basis, or is unclear, inappropriate and/or over-broad, or does not sufficiently demonstrate the legal violation of the app to be removed. We count each App Store takedown request related to alleged/suspected legal violations where we challenge or reject it in part or in full and report the total number of such instances by country or region.
# of Requests Where App Removed	The number of App Store takedown requests where the request sufficiently demonstrated a valid legal violation and Apple proceeded with removal of app(s) from the App Store. We count each app takedown request related to alleged/suspected legal violations where we proceeded with app removal and report the total number of such instances by country or region.
# of Apps Removed	The number of App Store takedown requests where the request sufficiently demonstrated a valid legal violation and Apple proceeded with removal of app(s) from the App Store. We count each app takedown request related to alleged/suspected legal violations where we proceeded with app removal and report the total number of apps removed in such instances by country or region.
# of Appeals Received	The number of App Store takedown requests where Apple received notice of an appeal to court or government agency. We count each app takedown appeal related to alleged/suspected legal violations.
# of Appeals Granted	The number of App Store takedown requests where Apple received notice of a court or government agency granting an appeal to the takedown request. We count each app takedown appeal granted that related to alleged/suspected legal violations.
# of Apps Reinstated	The number of apps reinstated to the App Store due to a court or government agency appeal being granted. We count each app reinstated from app removal related to alleged/suspected legal violations.



**Table 14: Worldwide Government App Store Takedown Requests - Platform Policy Violations
July 1 - December 31, 2019**

Table 14 provides information regarding requests from government authorities to remove apps from the App Store based on alleged/suspected violations of App Store platform policies. Examples of such requests are where law enforcement or regulatory agencies suspect an app may violate the App Store platform policies or relate to/contain content violating platform policies. Apple complies with these requests where Apple has determined there is an App Store platform policy violation.

(App removals were worldwide)

Country or Region ¹	# of Platform Policy Violation Takedown Requests Received	# of Apps Specified in the Requests	# of Requests Objected to in Part or Rejected in Full	# of Requests Where App Removed	# of Apps Removed	# of Appeals Received	# of Appeals Granted	# of Apps Reinstated
Asia Pacific								
China mainland ²	15	35	0	15	35	0	0	0
Asia Pacific Total	15	35	0	15	35	0	0	0
Latin America								
Brazil ³	1	1	0	1	1	0	0	0
Latin America Total	1	1	0	1	1	0	0	0
North America								
Canada ⁴	1	1	0	1	1	0	0	0
North America Total	1	1	0	1	1	0	0	0
Worldwide Total	17	37	0	17	37	0	0	0

¹ Only countries / regions where Apple received platform violation removal requests during report period July 1 - December 31, 2019, are listed.

² Requests related to gambling apps violating App Store Review Guidelines.

³ Request related to education app violating App Store Review Guidelines.

⁴ Request related to app facilitating illegal activity in violation of App Store Review Guidelines.



# of Platform Policy Violation Takedown Requests Received	The number of requests received from a government agency seeking to take down a third party application offered on the App Store related to alleged/suspected platform policy violations. We count each individual request received from each country or region and report the total number of requests received by country or region.
# of Apps Specified in the Requests	The number of apps specified in the requests verified to be apps available on the App Store. One request may contain one or multiple apps. A government agency may request Apple to take down several apps in a single request. We count the number of apps identified in each request received from each country or region and report the total number of apps specified in requests received by country or region.
# of Requests Objected to in Part or Rejected in Full	The number of app takedown requests related to alleged/suspected platform policy violations that resulted in Apple objecting to or rejecting the request in part or in full based on grounds such as a request does not have a valid legal basis, or is unclear, inappropriate and/or over-broad, or does not sufficiently demonstrate the platform policy violation of the app to be removed. We count each App Store takedown request related to alleged/suspected platform policy violations where we challenge or reject it in part or in full and report the total number of such instances by country or region.
# of Requests Where App Removed	The number of App Store takedown requests where Apple determined the request sufficiently demonstrated a valid App Store platform policy violation and Apple proceeded with removal of app(s) from the App Store. We count each app takedown request related to alleged/suspected platform policy violations where we proceeded with app removal and report the total number of such instances by country or region.
# of Apps Removed	The number of App Store takedown requests where Apple determined the request sufficiently demonstrated a valid App Store platform policy violation and Apple proceeded with removal of app(s) from the App Store. We count each app takedown request related to alleged/suspected platform policy violations where we proceeded with app removal and report the total number of apps removed in such instances by country or region.
# of Appeals Received	The number of App Store takedown requests where Apple received notice of an appeal to court or government agency. We count each app takedown appeal related to alleged/suspected platform policy violations.
# of Appeals Granted	The number of App Store takedown requests where Apple received notice of a court or government agency granting an appeal to the takedown request. We count each app takedown appeal granted that related to alleged/suspected platform policy violations.
# of Apps Reinstated	The number of apps reinstated to the App Store due to a court or government agency appeal being granted. We count each app reinstated from app removal related to alleged/suspected platform policy violations.



Matters of note in this report:

Government requests related to customer data / accounts

Table 1 Worldwide Government Device Requests

China mainland - High number of devices specified in requests predominantly due to a tax investigation.

Chile - High number of devices specified in requests predominantly due to a cargo theft investigation.

Germany - High volume of device requests predominantly due to stolen device investigations.

Poland - High number of devices specified in requests predominantly due to a tax fraud investigation from Customs and Revenue Authorities.

South Africa - High number of devices specified in requests predominantly due to cargo theft investigations.

South Korea - High number of devices specified in requests predominantly due to stolen device investigations.

United States - High number of devices specified in requests predominantly due to return and repair fraud investigations.

Table 2 Worldwide Government Financial Identifier Requests

Germany - High number of financial identifier requests predominantly due to iTunes Gift Card and credit card fraud investigations.

Japan - High number of financial identifiers specified in requests predominantly due to an investigation of unauthorized access to iTunes Gift Cards.

Spain - High number of financial identifier requests predominantly due to iTunes Gift Card and credit card fraud investigations.

United Kingdom - High number of financial identifiers specified in requests predominantly due to a tax fraud investigation.

United States - High number of financial identifier requests predominantly due to iTunes Gift Card and credit card fraud investigations.

Table 3 Worldwide Government Account Requests

Brazil - High number of accounts specified in requests predominantly due to court orders where investigation type was not indicated and investigations related to non-violent crime and drug investigations.

China mainland - High number of accounts specified in requests predominantly due to a financial fraud investigation.

United States - High number of accounts specified in requests predominantly due to fraud and cyber intrusion investigations and a third party app related investigation.

Mutual Legal Assistance Treaty (MLAT) Requests

Requests received from a foreign government pursuant to the MLAT process or through other cooperative efforts with the United States government are included in Apple's transparency report. Apple has been able to determine 12 MLAT requests for information were issued by the United States government in this reporting period. However, this may not be the precise number of MLAT requests received, as in some instances a United States court order or search warrant may not indicate that it is the result of an MLAT request. In instances where the originating country was identified, we count and report the MLAT request under the country of origin. In instances where the originating country was not identified, we count and report the request under the United States of America.