



Confidential

29 February 2024

Anton Harber
Campaign for Free Expression NPC
139 Greenway
2nd Floor
Greenside
2192

RESPONSE TO REQUEST FOR INFORMATION BY THE CAMPAIGN FOR FREE EXPRESSION ("CFE")

Dear Anton,

Thank you for your letter of 9 February 2024. Google shares CFE's concerns and is committed to helping South Africans find relevant, trustworthy, diverse and high-quality news content, and to supporting the sustainability of the South African public interest news industry.

We do this in a variety of ways, including our freely-available search engine and a news aggregation service that both create monetisation opportunities for publishers through valuable referral traffic. In addition, our advertising technology products are available to those publishers which may choose to utilise them to connect with advertisers and further monetise their sites. In addition, we have also committed to make available a set of mutually beneficial measures that we believe will meaningfully contribute to a sustainable future for public interest news journalism in South Africa. These include training and digital skills development initiatives, making Google News Showcase ("**Showcase**") available in South Africa, as well as establishing a country fund for South Africa dedicated to the digital transformation of South African public interest news publishers. Several South African publishers have welcomed these measures and are participating in them. We would be happy to explain to you in detail this range of investments and initiatives if it would be helpful to CFE.

Google denies that its platforms contravene any applicable law or otherwise harms media or expression rights in South Africa, and further denies that there is any basis on which to seek the information requested in Annexure A to your letter.

The information you have requested is not required by CFE to protect the right to press freedom. We strongly deny that Google's products limit media freedom. Our products promote freedom of expression, including freedom of the press. Every day, we link hundreds of millions of people around the world, including South Africans, to publishers' websites containing the news that people want to read.

Further, CFE does not require and is not entitled to the requested information for the claimed reason of gathering information for the Media and Digital Platforms Market Inquiry (“**MDPMI**”). The Competition Commission is statutorily-required to perform that function given its expertise and independence, and will no doubt engage with all stakeholders, including CFE, as it fulfills its statutory mandate through the MDPMI. Google and CFE can both participate in the MDPMI by providing perspectives and information for the Commission to consider for purposes of the MDPMI. There is no statutory need or purpose fulfilled by circumventing and undermining the Commission as CFE seeks to do by requesting disclosure from Google directly. The MDPMI is not a process through which a party such as CFE may seek to obtain information to which it is not entitled directly from another party. We urge CFE to respect the market inquiry process and make any submissions that it wishes to the Commission for its consideration.

Finally, CFE is not otherwise entitled in law to the information requested. You indicate your appreciation for the fact that the information you have requested is confidential, and includes proprietary, commercial and financial information, and trade secrets. The protection of that confidentiality is essential to the proper functioning of the MDPMI and the Commission’s statutory mandate. In some instances, the requests do not relate to the media industry at all and appear irrelevant to CFE’s work.

Google remains available to meet with CFE as a stakeholder in the South African media landscape to better understand CFE’s interests and objectives. Please let us know when you would be available to meet to discuss these important issues further.

Yours sincerely,

Google LLC