

February 17, 2010

Sen. Richard J. Durbin  
United States Senate  
Washington, DC, 20510

**Re: Websense Policy on Government-Imposed Internet Censorship**

To Senator Durbin:

I am writing in response to your letter to me dated January 29, 2010. Your letter sought additional information regarding Websense's policy on government-imposed Internet censorship and our corporate activities in China. You asked the following:

**Please provide a detailed description of your company's business in China**

Websense operates a software research and development facility in Beijing, and sells Websense web security and messaging security products in China, comprising a nominal portion of Websense's worldwide sales (less than ¼ of one percent of Websense's worldwide sales). Websense products in China are sold to businesses and other non-governmental entities and, to the best of our knowledge, are not used to censor or restrict consumer access to the Internet.

**What are our company's future plans for protecting human rights, including freedom of expression and privacy, in China?**

Websense has a long-standing anti-censorship policy that is applied on a worldwide basis, including China, and is published on our Web site:

“Websense does not sell to governments or Internet Service Providers (ISPs) that are engaged in government-imposed censorship. Government-mandated censorship projects will not be engaged by Websense. If Websense does win business and later discovers that it is being used by the government, or by ISPs based on government rule, to engage in censorship of the Web and Web content, we will remove our technology and capabilities from the project.

Websense does, however, allow its products and technology to be used in ‘global filtering’ projects where the government mandated policy (1) prohibits minors from accessing pornography and/or (2) prohibits child pornography. With the above guidelines in place, an example of an acceptable use would be government-mandated blocking of pornography to minors by the ISP. If the government requires ISPs to block adult content from all users, but permits an adult user to gain access to that content after providing proof of age, this would be in compliance with our stated policy. Websense, however, does not engage in any arrangements with foreign governments (or government-imposed arrangements) that could be viewed as oppressive of rights.”

From time to time we are notified of possible non-compliance with our policy by governmental entities or by quasi-public or private entities based on government restriction. In past situations, we have investigated and taken remedial action when appropriate. In several instances, the appropriate action was to immediately terminate the violator's access to our product. As we communicated to your staff several months ago, during 2009 we learned that two ISPs in Yemen were using our solutions in violation of our policy, and we unilaterally terminated the Yemeni ISPs' subscriptions to our products.

While we have not been informed of any misuse of our products in China, we would follow the same procedure to assess and remediate any issues. If we became aware of any misuse (or any allegations of misuse), we would challenge the customer to understand how our product is being used, as well as conduct independent testing to validate that use. Because our product is reliant on daily updates to our url database, if we determine that our product is being abused, we can block all database updates to a customer. This provides us with a relatively unique ability, in a very short period of time, to render our software worthless for the transgressing customer.

Our complete review policy, which is posted on our Web site, states:

“While Websense strives to permit our customers to configure their web, data and messaging use policies in whatever manner they desire, Websense reserves the right to investigate unauthorized or improper use of Websense products. In the event that product use is determined to be contrary to Websense's product terms and conditions and/or our corporate policies, appropriate measures will be taken.

When Websense receives a complaint or other information pertaining to alleged improper use of our products, we seek to initially identify (1) the customer who has allegedly used our products improperly, (2) the specific product involved, and (3) the alleged improper use. The matter is referred to our Legal Department, who then investigates the possible inappropriate use, contacting relevant members of the Websense team, our channel partners, and ultimately, our customer.

We gather information to determine whether or not the claim of alleged improper use is reasonably credible. This can often be difficult because Websense does not have visibility into the web, data and messaging enforcement policies implemented by our customers. Once we reasonably believe that a violation may have occurred, we contact the customer. Typically, we explain to the customer what they must do to come into compliance, with the hope that they will make the appropriate changes. Dialogue with the relevant customer usually resolves the issue.

However, if inappropriate use is determined to have occurred, and open discussion does not resolve the issue, Websense will take any one or more of the following actions which may include but is not limited to the following:

- Verbal or written warnings.
- Bill the customer for any charges related to the improper use.

- Notify the customer that their product subscription will be suspended or terminated if the customer cannot (a) provide proof of compliance with Websense terms, conditions and policies, or (b) commit to comply with Websense terms, conditions and policies.
- If the customer does not provide (a) or (b) above within a reasonable time following notice of suspension or termination from Websense, suspend or terminate the customer's product subscription.
- Initiate legal action.”

**Did representatives of our company attend the GNI open house?**

Yes, Websense participated in the GNI open house.

**Does our company plan to participate in the GNI workstream?**

Websense is extremely supportive of the philosophies underlying the Global Network Initiative, as demonstrated by Websense’s independently developed policy against government-imposed censorship. In fact, several Websense competitors actively pursue financially lucrative business arrangements with governments that use their software to filter consumer Internet access, and Websense has voluntarily chosen to concede that business to our competition. We believe the GNI can make a difference in raising social awareness of the human rights issues and hopefully garner more widespread support in the industry.

We are concerned, however, with the administrative costs imposed by the GNI in the current economic climate. The GNI’s initial \$200,000 commitment over two years is significant for a company of Websense’s size, and the continuing independent third-party compliance audit for GNI implementation guidelines is costly both in terms of dollars and employee resources. If the \$200,000 up front fee was waived, Websense would join the GNI. Websense would like to see the companies with the greatest resources, and whose practices regarding censorship are most questionable, take the economic lead.

If you have any further questions, please let me know.

Regards,



Gene Hodges  
Chief Executive Officer  
Websense, Inc.