

**2025-2026 Microsoft Proposal:**  
**European Security Program Censorship Risk Audit**  
Submitted by the National Center for Public Policy Research

**WHEREAS** on June 4, 2025, Microsoft announced the launch of the European Security Program (ESP) that, among other things, focuses on “expanding cybercrime reporting” within partnered countries by putting “AI at the center.”<sup>1</sup>

Microsoft is “making this program available to European governments, free of charge, including all 27 European Union member states, as well as ... the U.K.”<sup>2</sup>

ESP includes collaboration with Europol’s European Cybercrime Centre and the CyberPeace Institute, which reference combatting “online hate speech”<sup>3</sup> and “harmful content” online as parts of their respective missions.<sup>4</sup>

“Hate speech” and “harmful content” are vague terms that can be weaponized to restrict speech in ways incompatible with U.S. law.<sup>5</sup>

It has been reported that “Germany’s 2017 Network Enforcement Act and the U.K.’s 2023 Online Safety Act further entrenched this censorship model, criminalizing vaguely defined ‘misinformation’”<sup>6</sup>

**RESOLVED:** Shareholders request the Board of Directors of Microsoft Corp. conduct an evaluation and issue a report within the next year, at reasonable cost and excluding confidential information, assessing the risk of Microsoft’s ESP being utilized for censorship of legitimate speech.

### **Supporting Statement**

Recent headlines make clear that public concern about state-sponsored censorship is rising,<sup>7</sup> and AI proliferation is an exacerbating factor in these well-founded fears.<sup>8</sup> Accordingly, tech companies can appear to be more a part of the problem than the solution. A recent Bloomberg story reported that, “House Judiciary Committee Chairman Jim Jordan is demanding information from ... Microsoft ... about their work on artificial intelligence and whether they colluded ... to censor free speech,” specifically requesting “documents that show communications between ‘any foreign government in partnership’ with the U.S. on speech issues, citing the E.U. and U.K. specifically.”<sup>9</sup> Another article accused Microsoft of “helping to build the censorship industry.”<sup>10</sup>

Microsoft should be aware of the harm shareholders can suffer if corporate activities on behalf of governments have illiberal ends. Microsoft, alongside other tech companies, was publicly implicated in giving the NSA, FBI, and CIA access to users’ communications;<sup>11</sup> contemporary critics speculated that associated damages could be in the tens of billions of dollars.<sup>12</sup> Facebook

lost “roughly \$134 billion in market value” in connection with the similar Cambridge Analytica scandal.<sup>13</sup>

By making ESP available to EU member states, Microsoft risks being involved in another data breach scandal which could foreseeably cost the company billions. Additionally, Microsoft could be complicit in strengthening the EU’s ability to export its censorship back to the United States or be used as a conduit for “outsourcing these unconstitutional interventions.”<sup>14</sup>

Microsoft shareholders might well wonder why Microsoft would apparently ban “U.S. police departments from using generative AI for facial recognition”<sup>15</sup> while granting foreign actors free use of its AI for related cybercrime initiatives. Accordingly, the requested report is warranted.

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<sup>1</sup> <https://blogs.microsoft.com/on-the-issues/2025/06/04/microsoft-launches-new-european-security-program/>

<sup>2</sup> *Id.*

<sup>3</sup> <https://www.europol.europa.eu/media-press/newsroom/news/europol-spearheads-largest-referral-action-against-online-hate-speech>

<sup>4</sup> <https://cyberpeaceinstitute.org/nexus-cyberattacks-and-disinformation/>

<sup>5</sup> See e.g. *Matal v. Tam*, 582 U.S. 218, 245-46 (2017) (noting that government attempts to prevent speech that offends “strikes at the heart of the First Amendment”).

<sup>6</sup> <https://tomklingsen.com/how-eu-censorship-suppresses-free-speech-in-america/>

<sup>7</sup> <https://europeanconservative.com/articles/news/europe-free-speech-attacked-ordinary-citizens-jailed/> ; <https://www.thetimes.com/uk/crime/article/police-make-30-arrests-a-day-for-offensive-online-messages-zbv886tqf>

<sup>8</sup> <https://time.com/6835213/the-future-of-censorship-is-ai-generated/>

<sup>9</sup> <https://www.bloomberg.com/news/articles/2025-03-13/key-house-republican-pushes-apple-microsoft-in-online-censorship-fight>

<sup>10</sup> <https://humanevents.com/2025/01/29/how-microsoft-helped-build-the-censorship-industry>

<sup>11</sup> <https://macdailynews.com/2013/07/11/how-microsoft-handed-u-s-nsa-fbi-cia-access-to-users-encrypted-video-audio-and-text-communications/>

<sup>12</sup> <https://macdailynews.com/2013/11/27/nsa-spying-risks-35-billion-in-u-s-technology-sales/> .

<sup>13</sup> <https://www.cbsnews.com/news/facebook-stock-price-recovers-all-134-billion-lost-in-after-cambridge-analytica-datascandal/>

<sup>14</sup> *Supra* note 6.

<sup>15</sup> <https://techcrunch.com/2024/05/02/microsoft-bans-u-s-police-departments-azure-openai-facial-recognition/>