

ISOC European Regional Bureau Newsletter

8-14 February 2014

<http://www.Internetsociety.org/what-we-do/where-we-work/europe>

Data protection

EU: LIBE Committee's report calls for immediate suspension of Safe Harbour

- By 33 votes to 7 with 17 abstentions, the **European Parliament's Civil Liberties Committee** approved an **inquiry report on US National Security Agency (NSA)** and EU Member States surveillance of EU citizens. The report is based on the results of the Committee's inquiry that began in September 2013 and featured a total of **15 hearings** with various stakeholders.
- The report has called for an **immediate suspension of the Safe Harbour**, as the agreement's provisions do not provide sufficient protection of EU citizens' data. MEPs have also called on the US to propose new personal data transfer rules that would meet the EU Data Protection standards. While saying that data protection rules should be excluded from trade talks, the report called for the European Parliament to withhold its consent to a EU-US free trade agreement unless EU citizens' data privacy is respected.
- A **new digital deal** should be delivered by the joint efforts of EU institutions, Member States, research institutions, industry and civil society, said the report. Additionally, it was underlined that some telecoms firms have neglected the security of their users and clients
- The report has urged the **Member States to accelerate work on the proposed overhaul of the EU data protection framework** so that it can be passed by the end of this year.
- Due to the revelations about NSA damaged trust, the MEPs have proposed that the **EU develops its own cloud and IT solutions** that would guarantee a high level of data protection. The report noted that by 2016, the value of the cloud markets is expected to reach \$207 billion a year, doubling its 2012 value.
- At the EU level, the report has invited several **Member States to clarify the allegations of mass surveillance**, including potential agreements between intelligence services and telecoms firms on access to and exchange of personal data and access to transatlantic cables.
- **MEP Claude Moraes** (S&D, UK), Rapporteur on the dossier, welcomed the vote stressing that the EU now has a comprehensive overview of actions it needs to take.
- The European Parliament's **plenary is to vote on the report on 12 March**.

EU: EU DPAs should be able to impose significant sanctions for privacy breaches, says Le Bail

- Speaking at a recent workshop on online tracking, **Françoise Le Bail**, Director-General at the Commission's Justice Department stated that **European data protection regulators should be able to impose significant sanctions on companies violating EU data protection provisions**.
- Underlining that fines should deter companies from violating EU's rules, Le Bail argued **in favour of increasing the proposed level of top fine** included in the Data protection Regulation proposal.
- The Commission proposed a maximum fine of €1 million, or 2% of annual turnover of a company. The Members of the European Parliament's Civil Liberties Committee called for sanctions to be up to 5% of a company's annual worldwide turnover.
- Commenting on the **fines recently imposed on Google** in Spain and France, Le Bail said that those

represent pocket money for the company. **Sjoera Nas** from the Dutch data-protection authority stated that a threat of serious financial harm would have a dissuasive impact on companies,

- The **Commission would be ready to start talks** between lawmakers and government representatives **on 1 July**, added Le Bail.

France: Data protection preoccupies French Internet users

- According to a **CSA opinion poll for Orange**, 85% of **French users say they are concerned with regard to the protection of personal data on the Internet**. This number confirms the deteriorating situation of the state of data protection in the last few years, as confirmed by 42% of the survey participants.
- One in three French users have already tried to **delete personal data online**, 24% of respondents claim to be able to delete all the information, 55% only a part.
- The survey confirmed that the **perception of risk** is much higher when it comes to Internet browsing in public places (90% of respondents), compared to Internet use at work (69%).
- To protect their personal data, **French users view CNIL as the most trustworthy** (74%). The EU is in third place with 45% of the survey participants saying they trust the EU to protect their data. Telecommunications companies are trusted by 26% of people.
- As for the **cloud**, 55% of French users are in favour of companies using cloud to manage, safeguard and secure clients' data. Over 50% of respondents say they prefer their information to be stored in France.

Internet governance

EU: Commission unveils its Internet governance strategy

- On 12 February, the EU Digital Agenda **Commissioner Kroes** presented the Commission's **Communication** called **Internet Policy and Governance, Europe's role in shaping the future of Internet governance**. The Council, the Parliament and the Member States have been invited to **agree on a common vision** based on this Communication and to defend it at the upcoming international fora, notably at the **Meeting on the Future of Internet Governance** that will take place in Sao Paolo in April.
- The Communication underlines that in order to **preserve the economic benefits of the Internet**, it is crucial to **promote a sustainable model of Internet governance** that involves all stakeholders.
- The Commission has reiterated that the **Internet should remain unfragmented** and open; blocking, slowing down or content discrimination being considered as contrary to the Internet's principles. The Commission has voiced its support to the **establishment of a coherent set of global Internet governance principles** that would be consistent with fundamental rights and democratic values.
- While presenting the document, Kroes underlined that the Commission does not believe that scrapping the current multistakeholder governance model and replacing it with a top-down approach would guarantee an open and free Internet. Thus, the **EU clearly voiced its opposition to a governmental control of the Internet**, rejecting a UN take-over of the governance. Instead, the EU has called for a **revision of the current model** in order for it to become more **transparent, accountable and inclusive**.
- The revision of the multistakeholder model of the Internet governance should strike a geopolitical balance that would avoid a split in the global political community, including what the Commissioner called **globalisation of ICANN and IANA**. The revision should also include identification and solution of potential conflicts of jurisdictions arising from extraterritorial application of national law.
- To support stakeholder dialogue, the Commission has proposed to launch technical development of the **Global Internet Policy Observatory (GIPO)** this year. This online platform should serve as an information database accessible to the global community on Internet policy-making issues. To further facilitate discussions among stakeholders, the quality and format of the **Internet Governance Forum (IGF)** outcomes also needs to be improved.

- At a European level, the **Commission will launch a broad consultation** (including the European Parliament and the Member States) in order to ensure that the formulation of the **European Internet governance policies** adequately involves all stakeholders.
- In 2015, the Commission is to present a **progress report on the key elements** of the Communication.

Copyright

EU: Website owners can redirect users to copyrighted work freely accessible on another website

- According to the judgment of the **Court of Justice of the European Union**, the website owner can, without authorisation of the copyright holders, **redirect Internet users via hyperlinks** to copyrighted works that are freely accessible on another site. The case opposed several Swedish journalist to an operator of a website that provides hyperlinks to articles published on another websites (Nils Svensson and others v Retriever Sverige).
- Swedish Court of Appeal brought the matter to the EU Court to ascertain whether provision of such links constitutes a so-called act of communication to the public that would require authorisation of the copyright holders. The EU Court held that the **provision of hyperlinks to protected material** constitutes an act of communication. However, the Court ruled that in this case, the communication was not directed at a new public since the copyright holders authorised the initial communication – making the content freely accessible on the Internet. Therefore, the operator's website must be considered to be part of the public domain already taken into account at the time of publication.
- The situation would be different should the hyperlink permit the user to circumvent restrictions put in place by the site on which the protected work appears.

Child safety online/Cybersecurity

EU: Kroes calls youngsters to participate in building safer Internet

- On the occasion of the **Safer Internet Day**, EU Digital Affairs Commissioner Kroes met with young Internet users (aged 12-17) to launch a European consultation on the Internet for young people across Europe that will take place online and in schools. The aim of the project is for the youngsters to lay down their ideas on how to make Internet safer. While promoting active citizenship, the initiative invites young people to work together with policymakers and the industry to shape the future Internet, making it better, underlined Kroes.
- In its assessment of the safe Internet initiatives, EurActiv underlined that despite massive communication efforts, concrete results are missing. Vice-President of the European Parliament MEP **Cristiana Muscardini**, (ECR, Italy) called on the Commission to change its cybercrime policy and improve child protection online, as the safe regulation supported by the Commission is deemed not to bring the expected results.
- ISPA, the UK ISPs association voiced its support to the Safer Internet Day, and stressed the importance of this initiative in raising awareness and inspiring the safe, responsible and creative use of technology.
- At the same occasion, **eco**, the Association of the German Internet industry presented its **report** on Internet security in 2014. The report argued that following the revelations about the PRISM programme, and the increased awareness of German companies, **spending on security are likely to increase**.

Cybersecurity

EU: EC3 presents its first activity report

- The **European Cybercrime Centre** (EC3) has presented its first report on how it has contributed to protect European citizens and businesses.
- Troels Ørting, Head of the European Cybercrime Centre underlined the role the centre played in helping EU law enforcement authorities to prevent and investigate cross-border cybercrime. While praising the work done, Ørting voiced concerns with regards to the increasingly complex forms of malware cyber-scams, and the so-called 'sextortion' of minors.
- In 2013, the **EC3 assisted** in the coordination of 19 cybercrime operations, 9 large police operations on sexual exploitation of children, and provided support to 16 investigations on payment fraud.
- Growing ranks of criminals; increased sophistication of attacks; mobile distribution of threats and increased targeting of cloud services have been identified among the **future threats and trends** in cybercrime.

Open Internet

Turkey: Mass demonstrations in Istanbul over Internet bill

- Demonstrators gathered in Istanbul's Taksim square on 8 February following the Parliament's adoption of a new internet **bill** that puts several restrictions on the Internet. The protesters clashed with the Turkish riot police, which fired water cannon and tear gas to clear the streets.
- Meanwhile, **Prime Minister Recep Tayyip Erdoğan** addressed a crowd of supporters in Istanbul, noting that the new regulations would not impose censorship on the Internet but rather make it **safe and free**. In addition, the Prime Minister said that recording people's private data will be out of question.
- **President Abdullah Gül** has until **February 25** to either sign or veto the bill. Insiders however have remarked that the President is more inclined to sign the bill.