

# INTERNET FREEDOM MANIFESTO

The Netherlands needs an open internet; a platform where everyone can easily share and freely access information, a place where private communication remains private. Here are eleven items that should not be missing from any election program.

## 1. Stringently test any form of constitutional infringement

Necessity, proportionality, subsidiarity and effectiveness are preliminary requirements. Any constitutional infringements should be preceded by an impact assessment, comprising an identification of a time horizon and evaluation techniques, and must always be prescribed by law.

## 2. Privacy should be by design

IT systems of government and private industry should be built with privacy as a starting point. Principles such as anonymization, use limitation, data minimization, transparency and user-centric design are the key to protection. Databases containing the private information of millions of Dutch citizens should be optimally protected and scrutinized by regular audits. Existing systems that fail to implement any of the above, must be abolished or remodeled.

## 3. Give citizens control of their data

Citizens should have a better insight into and have more control over the use of data they enter on web services. Companies should only be allowed to process this data with explicit consent and clear policy on its usage. This should be closely monitored and enforced by the Dutch Data Protection Authority.

## 4. Guard privacy of communication

The Constitution should be adapted to protect all means of communication. Only when there is a substantial suspicion, a necessity for the investigation and confirmation by a judicial warrant, may the government conduct surveillance. Absolute transparency is required concerning the methods of investigation, particularly the use of wiretaps, spyware and any requests made for personal information. The use of encryption and the possibility to use the internet anonymously should not be hindered.

## 5. Protect freedom of information

All information in accordance with the law must be freely accessible to all Dutch citizens. Websites can not be forced to remove information without prior judicial approval. Permanent, indiscriminate monitoring or filtering of information must be prohibited. Social networks may only remove information in accordance with clear and consistent terms of service. Registration under a pseudonym must remain possible.

## 6. Do not store private communications

Under current European law, telecommunications companies are obligated to keep detailed logs of all their clients' communications along with the according locations for up to two

years. This legislation does not benefit the security of the Netherlands, but does constitute a breach of privacy and freedom of communication of millions of Dutch people. The Dutch government should move to abolish the European data retention requirement and suspend these rules within the Netherlands.

## 7. Draft a balanced cyber security policy

A safe information society is paramount to our economy and democracy. The policies surrounding cyber security should not create a false sense of security, but actually protect our digital world and not infringe on our constitutional rights. Therefore, policies must be based on realistic and verifiable assessments of threats and risks. Any call for new surveillance powers must have a demonstrable necessity.

## 8. Modernize copyright legislation

Copyright was meant to stimulate the creation and sharing of culture. Now - in contrast - outdated measures are victimizing both artists, as well as non-artists. The Netherlands should seek out new business models to distribute creative works, such as films, music and books online. It should refrain from any measures that undermine the freedom of internet, such as rendering downloading illegal, blocking web sites, monitoring online activities or internet disconnection.

## 9. Protect net neutrality

Internet service providers must not be allowed to limit access to websites or tier the use of web services such as YouTube and Skype. Disallowing this will ensure the availability of the internet, it will lower the costs of communication and stimulate innovation. OPTA – the independent post and telecommunications authority – must enforce the recently introduced net neutrality legislation.

## 10. Oppose ACTA

The drafting process of ACTA has been highly controversial and the treaty itself presents a clear threat to internet freedom. Furthermore, ACTA will prevent the Netherlands in its development of modern policies to protect intellectual property. The Netherlands should not ratify ACTA and actively oppose any similar proposals.

## 11. Mandatory data breach notifications

Leakage of personal data greatly increases the risk of identity fraud and results in a fading of trust in information technology. The Netherlands must not wait for EU legislation and require the government and private industries to notify the people involved in case of unauthorized attempts to access personal information. A public registry of data breaches would hold organizations accountable and allow them to learn from each other's mistakes.

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**Political parties can seize this chance to protect internet freedom by abiding these eleven items**

- 1. Stringently test any form of constitutional infringement**
- 2. Privacy should be by design**
- 3. Give citizens control of their data**
- 4. Guard privacy of communication**
- 5. Protect freedom of information**
- 6. Do not store private communications**
- 7. Draft a balanced cyber security policy**
- 8. Modernize copyright legislation**
- 9. Protect net neutrality**
- 10. Oppose ACTA**
- 11. Mandatory data breach notifications**

## **Why this manifesto?**

**Internet freedom is an essential part of our society.** The Netherlands needs a platform where everyone can easily share and freely access information, a place where private communications remain private. On a personal level, internet freedom is indispensable to social life, personal development and the work environment. On a broader scale, it is crucial to technological innovation, a vibrant economy and a strong democracy.

**However, the internet can also be used by governments and private industries for far-reaching surveillance purposes.**

This is rapidly eroding internet freedom. Internet is increasingly used to monitor the behavior of citizens in the Netherlands and access to web sites and services are being blocked at an accelerating rate. And it's not just Dutch people who need to fear limitation of their freedom to share information: limitation is happening globally. This clearly demonstrates that the debate on privacy and constitutional rights online is current and necessary.

**It is time to take freedom of communication and privacy seriously.** After all, the Netherlands has historically spoken out against censorship by oppressive regimes. The upcoming elections will provide the perfect chance to strengthen the position of the Netherlands as a leader in online innovation, freedom and democracy.

**The choices we make now will shape our future.** Will we choose an open and modern Dutch information society – a place where individual freedom is guarded and innovative companies are stimulated by a favorable, digital business climate? Or will we stand by and allow the creation of a society where technology is used to conduct far-reaching surveillance and to stifle innovation.

## **About Bits of Freedom**

Bits of Freedom is an influential digital rights organization. We make sure that the government and private industries reverse undesirable policies and introduce beneficial ones. Our strength is combining a broad range of considerable expertise, a constructive lobby where possible and swift action where necessary. So far, our approach has been successful.



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