Strengthening security and fundamental freedoms on the Internet

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The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report drawn up by Stavros LAMBRINIDIS (PES, EL) on the proposal for a European Parliament recommendation to the Council on strengthening security and fundamental freedoms on the Internet. The report deals with the fight against cybercrime and the rights of surfers: freedom of association and expression, non-discrimination and access. Members note that on the Internet, freedom of expression and privacy can at the same time be both better enhanced and more exposed to intrusions and limitations by both private and public actors. Furthermore, e-illiteracy will be the new illiteracy of the 21st Century. Ensuring that all citizens have access to the Internet is therefore equivalent to ensuring that all citizens have access to schooling. Such access should not be punitively denied by governments or private companies.

The committee addresses a series of recommendations to the Council on the following issues:

Full and safe access to the Internet for all: recommendations include participating in efforts to make the Internet an important tool for the empowerment of users, an environment which allows the evolution of 'bottom up' approaches and of e-democracy, while at the same time ensuring that significant safeguards are established as new forms of control and censorship can develop in this sphere.

The Council needs to ensure that security, freedom of expression and the protection of privacy, as well as openness on the Internet, are approached not as competing goals, but instead are delivered simultaneously within a comprehensive vision that responds adequately to all these imperatives.

Strong commitment to combating cyber crime: the Presidency of the Council and the Commission are invited to develop a comprehensive strategy to combat cybercrime, pursuant to the Council of Europe Convention on Cybercrime, including ways in which to address the issue of "identity theft" and fraud at EU level in cooperation with both Internet providers and user organisations, as well as the police authorities dealing with IT-related crime. The committee calls for the creation of an **EU desk for assistance to victims of identity theft** and identity fraud, and invites the Council to proceed to the adoption of the directive on criminal measures aimed at the enforcement of intellectual property rights.

Constant attention to the absolute protection and enhanced promotion of fundamental freedoms on the Internet: the Council needs to consider that **"digital identity"** is increasingly becoming an integral part of our 'self' and in this respect deserves to be protected effectively from intrusions by both private and public actors – thus, the particular set of data that is organically linked to the "digital identity" of an individual should be defined and protected, and all its elements should be considered inalienable personal, non-economic and non-tradable rights.

The committee invites the Council to recognise the danger of certain forms of Internet surveillance and control aimed also at tracking every 'digital' step of an individual, with the aim of providing a profile of the user and of assigning 'scores'. Such techniques should always be assessed in terms of their necessity and their proportionality in the light of the objectives they aim to achieve. It emphasises also the need for an enhanced awareness and **informed consent of users** with respect to their e-activities involving the sharing of personal data (for instance in the case of social networks).

The Council should examine and prescribe **limits to the 'consent'** that can be requested of and extracted from users, whether by governments or by private companies, to relinquish part of their privacy, as there is a clear imbalance of negotiating power and of knowledge between individual users and such institutions.

Member States that intercept and monitor data traffic, regardless of whether that applies to their own citizens or to data traffic from abroad, should do so under the strict conditions and safeguards provided by law.

Member States must ensure that **freedom of expression** is not subject to arbitrary restrictions from the public and/or private sphere and to avoid all legislative or administrative measures that could have a "chilling effect" on all aspects of freedom of speech.

Members call on the Commission to carry out an in-depth study of the privacy aspects of online advertising.

International undertakings: the Council should exhort all Internet players to engage in the on-going process of **"Internet Bill of Rights**," which builds on existing fundamental rights, promotes their enforcement, and fosters the recognition of emerging principles. In this respect the dynamic coalition on the Internet Bill of Rights has a leading role to play.

Furthermore, the Council should recognise that the global and open nature of the Internet requires global standards for data protection, security and freedom of speech. The committee calls on Member States and the Commission to take the initiative for the drawing up of such standards.