

European Digital Rights



annual report 2011



about EDRi

European Digital Rights (EDRi) is a not-for-profit association registered in Belgium. Its objective is to promote, protect and uphold fundamental human rights and freedoms in the field of information and communication technology. This includes, but is not limited to, the rights to privacy, freedom of expression and communication, access to information and the promotion of civil society. EDRi was founded in June 2002 as a result of a growing awareness of the importance of European policy making in the digital environment. EDRi was created in response to some of the earliest challenges in this policy area. Since its inception, EDRi has grown significantly. Currently 32 privacy and civil rights organisations in 20 European countries are members of EDRi, and the organisation continues to grow.¹ The need for cooperation among digital rights organisations active in Europe continues to increase as more regulation regarding the internet, copyright and privacy is proposed by European institutions, or by international institutions with strong impact in Europe.

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¹ See <http://edri.org/about/members>

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1. Our Work

Technology is transforming our societies. Digital technologies, and the internet in particular, have become an important part of our daily lives and a driving force behind societal changes and economic growth. It has an impact on the way we communicate, how children are educated and the way our democracies and businesses function. Digital technologies have unleashed a globally significant shift in all forms of societal interaction. The traditional dividing line between creators of content and consumers are disappearing. Today, every single citizen can become a news reporter, author and creator. The recent uprisings in Tunisia or Egypt and the citizen mobilisations against ACTA in Europe have shown that unrestricted access to technologies can act as a force multiplier for democratic movements - and how much they can even alter the balance of political power in Europe.

The growing use of digital technologies has, however, also led to the development of new approaches to surveillance and, with regard to the internet in particular, censorship. In Europe and elsewhere, citizens' fundamental rights online are frequently being undermined by governments or corporations: disproportionate storage of data by public authorities and private entities, access to web sites, services or applications is being blocked and restrictions are increasingly being implemented on an ad hoc basis by corporations, undermining due process and the rule of law.

Governments, in attempts to address legitimate public policy concerns, such as terrorism, copyright infringement and cyber attacks, take measures to restrict the use of these technologies by individuals in ways that have a disproportionately negative impact on the broader value of the Internet, both for society and the economy. Secondly, actions by private companies have the potential to directly or indirectly infringe on citizens' fundamental rights, especially with regard to access to technologies or the ownership of data.

Meanwhile, the importance of digital technologies is slowly entering the political mainstream. Some political parties have even launched their own think tanks on Internet policies. In particular, policy from the European Union is having a significant and still growing impact on fundamental rights of over 500 million European citizens.

To this end, EDRI provides a strong civil society voice and platform to ensure that European policy, which has an impact on the digital environment, is in line with fundamental rights.

EDRI

- provides policy makers with expert civil society-focused analyses of digital rights issues;
- leverages the power of national members to ensure that challenges are addressed effectively both at the national and the European level;
- ensures that European civil society and citizens' interests are reflected in the global debate about the future of the Internet, the information society and digital media; and
- provides a platform for its members organisations to coordinate actions, amongst themselves and with the Brussels office.

This annual report highlights EDRI's work in 2011, focuses on the key topics and lays out future challenges.

1.1 Security & Cybercrime

Against blanket retention of communications data. In 2011, the European Commission announced the revision of the Data Retention Directive (2006/24/EC) and launched its evaluation process.² The blanket retention of communications data of all citizens is a very controversial issue of core significance to fundamental rights, including the right to privacy. Working on the dossier for several years now, EDRi is the central civil society partner of the European Commission on this dossier. EDRi organised a workshop on data retention during the 27c3 conference³ and EDRi prepared a letter on the development of the European Commission's "impact assessment" on data retention, which was co-signed by over 30 other NGOs from across Europe.⁴

Protecting Coders' Rights. EDRi was invited to speak at the Civil Liberties Committee hearing of the European Parliament on the EU Commission's proposal on attacks against information systems, which covers criminalisation of "attacks on information systems".⁵ Our concerns include the danger that there may be efforts to extend the scope in ways which would endanger freedom of communication. EDRi is in ongoing contact with the Parliament on the dossier.

Stopped web blocking. One of EDRi's key actions was the coordination of the work of activists on the issue of internet blocking. EDRi led a successful coordination of the work of activists on the issue of Internet blocking, and as a result, the EU decided not to enforce mandatory web blocking.⁶ EDRi also responded to the consultation on online gambling, where Internet blocking was also one of the options under review.

1.2 Data Protection & Privacy

Towards an EU wide, unified approach to data protection. EDRi has been closely following the Data Protection reform package announced by the European Commission and responded to the public consultations.⁷ As a result, many of EDRi's requests are reflected in the proposals leading to a first, positive step in a long legislative process that in the end will hopefully secure greater respect for and awareness of the fundamental right to data protection and to privacy for European citizens. An EU wide, unified approach to securing an appropriately high level of data protection, and to safeguarding essential elements of democratic societies such as privacy and free speech is long overdue. EDRi produced a brief analysis of the "leaked" draft Data Protection Regulation in December 2011 and actively participated in a series of meetings in the European Parliament.⁸

² Top 10 misleading statements on data retention

<http://www.edri.org/edriagram/number9.8/data-retention-evaluation>

³ EDRi 27c3 workshop

<http://www.edri.org/edriagram/number9.1/data-retention-workshop-ccc-edri>

⁴ EDRi and 37 NGOs send letter to European Commission on data retention

<http://www.edri.org/edriagram/number9.19/edri-letter-on+data-retention>

⁵ Video of the hearing on attacks against computer systems:

https://www.youtube.com/watch?v=TdPW_8ewrg4

⁶ EDRi campaign page on web blocking: http://www.edri.org/stop_web_blocking

⁷ EDRi's response to the data protection consultation:

<http://www.edri.org/edriagram/number9.2/edri-data-protection-legislation>

⁸ Initial analysis of the data protection regulation

<http://www.edri.org/edriagram/number9.24/overview-data-protection-regulation>

Guidelines on implementation of the E-Privacy Directive. This Directive covers data protection in a sector-specific way that is particularly important for digital civil rights. Following some personnel changes in the Commission, we are now working on providing efficient input from civil society on this core piece of privacy legislation.

Protecting air passengers' privacy. EDRi has been actively advocating for a better protection of fundamental rights regarding the collection, transfer and processing of European citizens' passenger name records (PNR) to third countries for the purpose of profiling travellers. EDRi communicated its positions on the Agreements between the EU and Australia and the USA to relevant Members of Parliament. EDRi organised a workshop for organisations working on this subject. The event was addressed by an internationally recognised expert on the subject and the audience included journalists, political staff and a range of relevant NGOs.

Online privacy protections. In June 2011, EDRi presented to the University of Berkeley "Law and Technology" workshop organised in Brussels on online privacy protections.

1.3 Intellectual Property Rights

Stopping ACTA.

One of the key actions taken was the coordination of the work of activists across Europe, ⁹ detailed analysis of the ACTA text in fact sheets.¹⁰ EDRi published a guide to the Anti-Counterfeiting Trade Agreement (ACTA) in cooperation with the Trans-Atlantic Consumer Dialogue (TACD) and the NGO Access.¹¹ This inspired collaboration among activists across Europe to translate the booklet into fourteen languages. EDRi also organised a workshop bringing together all of the European organisations working on ACTA in order to share analysis and plan a campaigning strategy. In November 2011, EDRi gave a 90-minute presentation to a meeting of activists and Parliamentarians in the European Parliament.¹² Our publications were hugely popular online, with the [edri.org/stopacta](http://www.edri.org/stopacta) page, for example, being downloaded over 270,000 times.



Giving citizens unrestricted access to audiovisual online content. EDRi answered the European Commission's consultation on the Green Paper on the Online Distribution of Audiovisual Works.¹³ Adapting the European policy to the digital environment would give the consumer greater access to cultural works. It is a chance to achieve a digital single market and to redefine a simple and harmonised framework.

ACTA campaign page: <http://www.edri.org/stopacta> ⁹

5 fact sheets on ACTA: <http://www.edri.org/ACTAfactsheet> ¹⁰

Booklet: Why You Should Care About ACTA <http://www.edri.org/ACTAbooklets> ¹¹

ACTA workshop in the European Parliament, November 2011 <https://vimeo.com/42554902> ¹²

EDRI's position on the Online Distribution of Audiovisual Works ¹³

<http://www.edri.org/edrigram/number9.22/online-audiovisual-works-edri>

Updating intellectual property legislation. The review of the IPR Enforcement Directive (2004/48/EC): Key rights, such as the right to privacy are at risk from provisions such as the measure that allows private companies to ask for personal data on the basis of alleged illegal activities. The freedom of communication can be undermined by the provisions on injunctions in this Directive. EDRi published its response to the consultation on the review of this Directive.¹⁴ EDRi also gave a presentation to the Socialists and Democrats Group of the European Parliament on the topic of intellectual property in June.



1.4 Network Neutrality

Securing Net Neutrality in Europe.

In 2011, Net Neutrality was at the centre of debate in almost every European institution. Net neutrality is central to ensuring the openness of the Internet for the benefit of innovation, free speech and privacy.

EDRi provided input and comments to a European Parliament resolution calling for net neutrality.¹⁵ In a response to a consultation of the Body of Regulators in Europe (BEREC), EDRi explained that transparency on service restrictions will lead neither to sufficient protection nor to empowerment of end users.¹⁶ EDRi also presented to a conference organised by the Dutch telecommunications regulator on the subject of net neutrality.

1.5 Self-regulation

Internet intermediaries around the world are taking on more important roles in their states' efforts to address the dissemination of illegal online content and this trend is likely to become stronger as we move into a new environment of "extra-judicial sanctions" against users. An increasingly large number of proposals and initiatives in this area are encouraging "voluntary" policing measures by private companies that have led to, for example, legal websites being deleted and the websites of activist groups being blocked.

Non-legislative initiatives. The European Commission is funding and facilitating various initiatives outside its normal activities to promote voluntary policing by Internet providers. These include the funding of the "Clean IT" project, run mainly by the Dutch police and of the "CEO coalition" for a safer Internet for children which is facilitated by the Commission and run by private companies.¹⁷

For example, Facebook, infamous for its failures to respect consumers' personal data, is responsible in the coalition for data protection. EDRi is monitoring both projects and has been involved in discussions in the CEO coalition and related initiatives. We are monitoring CleanIT but have decided not to get directly involved due to the risk of giving credibility to the project.

¹⁴ EDRi's position on the review of the IPR Enforcement Directive

<http://www.edri.org/edriagram/number9.12/ipr-enforcement-consultation>

¹⁵ EDRi position paper on net neutrality resolution

http://www.edri.org/files/2011NetNeutrality/07102011EDRi_Netneutrality_Commentsfinal.pdf

¹⁶ EDRi's response to the BEREC consultation on net neutrality and transparency

<http://www.edri.org/edriagram/number9.22/net-neutrality-edri-position>

¹⁷ CEO Coalition to make the Internet a better place for kids

<http://www.edri.org/edriagram/number10.5/ceo-coalition-freedom-of-speech>

Notice and takedown. The European e-Commerce Directive is a cornerstone of civil rights online, since the “safe harbour” exceptions given to Internet intermediaries are meant to ensure that private companies are not incentivised to carry out surveillance, in contradiction to the citizens' fundamental rights to privacy and freedom of communication. EDRi has engaged with the Commission Unit responsible and provided extensive input into the evaluation report and numerous examples of fundamental rights restricting practices in Europe that must be addressed.

In order to address these issues, EDRi organised an event in the European Parliament entitled “Self'-regulation – should online companies police the Internet?” in cooperation with Member of the European Parliament Marietje Schaake. This event had speakers from the European Commission, the International Federation of the Phonographic Industries, the European Consumers and Songwriters Alliance and EDRi.¹⁸

¹⁸ Web page and videos of the event: <http://http://selfregulation.tumblr.com/>

2. Strengthening the impact of civil society

2.1 Brussels

In 2011, fundamental rights in the information society were of significance in various policy initiatives in Brussels, both in legislative and non-legislative dossiers launched by various parts of the European institutions. The increasing impact of new technologies on fundamental rights as well as the increase in significance of decisions made by the European institutions on legislation in the Member States calls for an expansion of our campaigns and activities, not only to fight against negative policies but also to move to a situation where we have the capacity to campaign for positive solutions to problems which arise.

On the one hand, EDRi's Brussels office is a point of reference for the EU institutions, interacting directly with policy-makers as a trusted source of expertise. On the other hand, EDRi's Brussels office ensures that our member organisations are fully briefed on issues of current importance and that they are given all necessary support to take an active role in national and EU level discussions on issues of significance for citizens and fundamental rights in the digital environment.

In September 2011, EDRi's Brussels office has grown from one to three full time employees.

2.2 International level & Experts groups

Over the past year, EDRi has been active in diverse settings, on both a European and an international level. While bodies and institutions on the international level are not directly making law except in exceptional cases, they are crucial for civil society at large, in Europe and beyond, due to their strong influence on policy:

Responding to an invitation by the European Commission, EDRi continued its participation in the expert groups of the European Commission on Smart Grid Privacy, Data Protection and Cyber Security as well as in a high level expert group on the Internet of Things.

In 2011, EDRi has also renewed its status as participant organisation in the Fundamental Rights Platform of the European Union's Fundamental Rights Agency (FRA).

In 2011, EDRi continued to contribute to the Council of Europe Committee of experts on new media (MC-NM) and the Steering Committee on Media and New Communication Services (CDMC), where EDRi is accredited with an observer status since 2009. In the last year, EDRi contributed mainly to the drafting of recommendations on search engines and social networks and the modernisation of Convention 108.

Over the past 2 years, EDRi members have participated in several SCCR (Standing Committee on Copyright and Related Rights) meetings at the World Intellectual Property Organization (WIPO), where EDRi is an accredited observer.

EDRi also participates in the CSISAC (Civil Society Information Society Advisory Council) Steering Committee and provides administrative support for representatives from EDRi and other CSISAC member organisations participating in this initiative. CSISAC is the global civil society voice at the Organisation for Economic Co-operation and Development (OECD).

Furthermore, EDRi contributed to the work of international bodies such as the United Nations, the Internet Governance Forum (IGF) and the Organization for Security and Co-operation in Europe (OSCE).

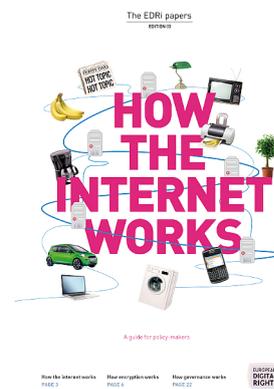
3. Getting the message out

3.1 The EDRi Papers

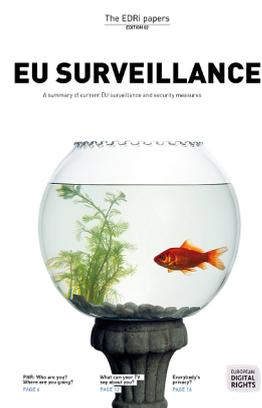
- EDRi published an overview of privatised law enforcement measures: “The slide from self-regulation to corporate censorship”.



- In collaboration with activists from across Europe, in particular Belgium, the Netherlands, Romania, Poland and the UK, EDRi published an introductory guide entitled “How the Internet Works”. The document is aimed at policy-makers, in order to give short, simple and accessible explanations regarding how key aspects of Internet technology (such as the Internet itself, social media and e-mail). The booklet was translated into Italian and German and work is underway on further translations.



- In cooperation with EDRi member Statewatch, we produced a booklet entitled “EU surveillance”. This booklet gives a balanced overview of the key EU and EU-funded surveillance instruments in order to help policy-makers in their decision-making on future surveillance measures.



- EDRi published a booklet for activists to explain “how the EU works”. Its purpose is to provide activists with an insight into where EU legislative and non-legislative proposals come from, what can be achieved at each stage of the administrative process.



- EDRi published a booklet on Digital Rights Management (DRM), which was prepared together with Free Software Foundation Europe, to address disproportionate enforcement measures in the area of intellectual property.



All of our large-scale publications are available at:
<http://www.edri.org/papers>

3.2 EDRi in the media

EDRi's work has been frequently mentioned in newspapers and international news platforms. Brussels staff has also been interviewed by TV stations as well as by various international radio stations. Here are a few examples:

Racism on the Internet: An overview of the European legislative context

<http://www.enargywebzine.eu/spip.php?article27&lang=en>

Global Internet Society Watch: Internet intermediaries – The new cyberpolice?

<http://www.giswatch.org/en/freedom-association/internet-intermediaries-new-cyberpolice>

Computerworld: ISP são a nova policia secreta, diz a EDRi, 26/01/2011

<http://www.computerworld.com.pt/2011/01/26/isp-sao-a-nova-policia-secreta-diz-a-erdi/>

Wired: The Real Internet Censors: Unaccountable ISPs?, 13/02/2011

<http://www.wired.com/epicenter/2011/02/real-internet-censors-isps/all/1>

De Morgen: Europol gooit privédata EU-burgers te grabbel, 07/03/2011

<http://www.demorgen.be/dm/nl/5403/Internet/article/detail/1232610/2011/03/07/Europol-gooit-privedata-EU-burgers-te-grabbel.dhtml>

Ars Technica: France attempts to "civilize" the Internet; Internet fights back, 24/03/2011

<http://arstechnica.com/tech-policy/2011/05/france-attempts-to-civilize-the-internet-internet-fights-back/>

taz: Verhärtete Fronten 18/04/2011

<https://www.taz.de/!69346/>

Deutsche Welle: EU net neutrality, mobile Internet rules to take effect in May, 19/04/2011

<http://www.dw.de/dw/article/0,,15001249,00.html>

Euractiv: Internet companies must be held accountable, warns Commission, 03/05/2011

<http://www.euractiv.com/infosociety/internet-companies-held-accountable-warns-commission-news-504386>

Le Monde: Contre les sites pédopornographiques, des politiques tâtonnantes, 06/05/2011

http://www.lemonde.fr/week-end/article/2011/05/06/contre-les-sites-pedopornographiques-des-politiques-tatonnantes_1509606_1477893.html

Die Zeit: Lobby-Verein bereitet Kampagne für Netzneutralität vor, 07/07/2011

<http://www.zeit.de/news-072011/7/iptc-bdt-20110707-327-31297950xml>

c't: US-Hotline gegen Kinderpornos macht Fortschritte, 25/08/2011

<http://www.heise.de/ct/meldung/US-Hotline-gegen-Kinderpornos-macht-Fortschritte-1331129.html>

El Pais: Fuerte rechazo de firmas de Internet a proyecto de EE.UU., 23/11/2011

<http://www.elpais.com.uy/111123/pciuda-608088/ciudades/fuerte-rechazo-de-firmas-de-internet-a-proyecto-de-eeuu/>

La Perfetta Letizia: Decisione Ue: vietato imporre filtri anti pirateria ai provider, 24/11/2011

<http://www.laperfettaletizia.com/2011/11/decisione-ue-vietato-imporre-filtri.html>

EU Observer: EU court: Filtering file-sharing breaches human rights, 24/11/2011

<http://euobserver.com/871/114389>

4. Finances 2011

Summary	
Balance 31/12/2010	52,134.00 €
Incomes	215,822.00 €
Expenses	160,944.00 €
Balance 1/01/2012	106,956.00 €
Summary 2011 Incomes	
Membership Fees	2,150.00 €
Donations	38,296.00 €
Grants	173,242.00 €
- Foundations 10/11	44,560.00 €
- Foundations 11/13	41,145.00 €
- FRC Grant	44,000.00 €
- Other final payments EU projects	10,036.00 €
- CSISAC	33,500.00 €
Others	2,133.00 €
Summary 2011 Expenses	
Normal operation (accounting)	8,650.00 €
Advocacy project 10/10	73,535.00 €
Advocacy project 11/13	674.00 €
CSISAC Travel	5,660.00 €
FRC Grant	70,110.00 €
<u>EDRi-gram</u>	4,000.00 €

5. Members



ALCEI

ANSOL

PANGAEA.ORG
internet solidario

BITS OF FREEDOM
VERDEDIGT DIGITALE BURGERRECHTEN



Digital Rights Ireland
Civil, Legal and Human Rights in a Digital Age

DIGITALE GESELLSCHAFT

DFRI - Föreningen för
digitala fri- och
rättigheter



FITUG e.V.

E.I.F.F. Forum InformatikerInnen für Frieden
und gesellschaftliche Verantwortung e.V.

fipr



FÉLAG UM STAFRÆNT FRELSI Á ÍSLANDI



IT-Pol



Интернет общество
България

LIGA VOOR
MENSENRECHTEN



OPEN RIGHTS
GROUP



quintessenz
Lebensschutz ist Menschenrecht

SOIT
Společnost pro Diversní Informační Techniky

vibe!at

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