

Can we keep our hands off the Net?

Dr Richard Clayton



OFCOM Consumer Forum
13th September 2010



Outline

- Who are apComms?

Topics covered in the report

- Bad traffic
- Behavioural advertising
- Online privacy
- Child sexual abuse images
- Net neutrality

Discussion

apComms

- All Party Parliamentary Communications Group
 - merger of telephone & Internet all party groups
- MPs and Lords, Liberal/Labour/Conservative/Cross-Bench

Inquiry entitled: "Can we keep our hands off the net?"

- Call for evidence in April 2009
- 50 replies from trade bodies, companies, individuals
- 2 days of live sessions (25 different witnesses)
- 46 page report issued October 2009
- My role was as "specialist adviser"

“Bad traffic” – in general

- Originally, we wanted to consider whether ISPs should be blocking customers whose machines were compromised and criminals used them to send email spam (etc)
- CONCLUSION: should be a voluntary code for dealing with this
- Most evidence related to different views of “bad” (from file sharing of copyright material to child sexual abuse images and everything in between).
- There was a concern that eCommerce “mere conduit” rules mitigated against ISPs taking action (because any act of filtering removed this legal immunity)
- CONCLUSION: Government should revise the law to let ISPs be more proactive in removing inappropriate material

“Bad traffic” – specifically

Child Sexual Abuse Images

- CONCLUSION: this is a 1-off area of consensus, most block already, and it would damage self-regulation attempts in the future, to regulate at this stage to make blocking compulsory

Unlawful file sharing of copyright material

- CONCLUSION: rights holders slow to react and provide legal alternatives;
- CONCLUSION: viewed disconnection as inconsistent with online eGovernment initiatives
- CONCLUSION: recommended delay – but the Digital Economy Act was passed in “wash up” anyway

Behavioural advertising

- This is advertising based on knowledge of past behaviour
- Industry enthusiastic, but Consumer Focus called it “profiling”
- Public seem to welcome seeing more targeted ads, but are concerned that the data collected may be intrusive, especially for sensitive topics, and might target the vulnerable
- Particular concern about “Phorm” whose system would have snooped on all web traffic, especially since it had been secretly trialled by BT (illegally said some witnesses).
- CONCLUSION: systems should be operated on explicit, informed, opt-in basis. Also, the report raised a particular concern about applying such advertising technology to kids

Online Privacy

- Fairly wide range of topics were raised, and witnesses either wanted more education or more regulation.
- CONCLUSION: eSafety should be added to the National Curriculum (with appropriate material at key stages 1..4) and the topics should be kept up-to-date!
- CONCLUSION: network operators and retailers should make sure that eSafety material is available at cellphone point-of-sale
- CONCLUSION: Government should write a “green paper” on privacy – both offline and online – with a view to bringing forward a Privacy Bill in this Parliament

Child Sexual Abuse Images

- UK operates an effective notice-and-takedown regime
 - Internet Watch Foundation has been running a hotline since 1996
- Elsewhere (including the US) takedown is slow
- Blocking may prevent inadvertent access, but is no barrier to those determined to view the material
- IWF considering extending take-down internationally, but funding arrangement with EU prevents this being extended to the US and Russia – ie: to where much of the content is
- CONCLUSION: current situation unacceptable and Government must ensure an effective take-down regime is developed, through the IWF if that's possible, or some other way

Network Neutrality

- Might be seen as “who should pay for network traffic”?
- At present consumers pay to connect to Internet, as do the content providers. But some ISPs have suggested that content providers might pay to reach their customers; and some worry that ISPs will degrade connections to sites that compete with the ISPs other interests...
- General view was that sufficient competition in the UK to avoid bad things happening
- CONCLUSION: Ofcom should keep the issue under review and specifically comment on it in each annual report

Can we keep our hands off the Net ?

BLOG: <http://www.lightbluetouchpaper.org/>

<http://www.cl.cam.ac.uk/~rnc1/>

