From Privacy to Freedom of Expression: the Continuum in 2015 – 2020

"From Privacy to Freedom of Expression: the Continuum in 2015 – 2020" was the title of the first MAPPING Annual General Assembly, which took place in Hannover on 22-23 September 2015. This year, the wide-ranging discussions and the exchange of views of the continuously growing multi-stakeholder MAPPING community were focused on inter-related issues of privacy, security and freedom of expression, as well as Intellectual Property Rights and Internet Governance. The two most prominent themes of Internet Governance, freedom of expression and data privacy protection, have been issues of vital importance since the commencing of the project. The First General Assembly aimed to discuss and debate the most recent technical, legal and societal developments relating to these two themes, as well as how the MAPPING Consortium can react to such changes.

The Annual MAPPING General Assembly has become a recognised platform, which focuses on bringing together different stakeholders - including business and online service providers, governmental organisations, civil society and academics. One of the aims of the First Annual General Assembly, which was attended by 118 participants, was to reflect on the work of the MAPPING project carried out in the past 18 months since the project began.

After the official opening, project co-ordinator Professor Joe Cannataci briefly introduced the MAPPING project to the new audience, emphasizing that MAPPING is even more relevant today than when the project started. Several recent political-economic developments were discussed, including the recent US-China dialogue on cyber-attacks and cyber security, the rise of cyberwar, large data breaches, the threats of anti-terrorism policy to freedom of expression, privacy protection in the online world while governments tighten controls, and the increasing concern on surveillance and encryption. These issues are increasingly raising global concern of how to better protect privacy and freedom of expression in the context of Internet Governance.

The First General Assembly was structured as a forum for informed discussion and was rolled out in three inter-connected thematic tracks, each starting with inspiring keynote speeches followed by open discussions with stakeholders.

Silvia Grundmann, Head of the Media and Internet Division, Council of Europe, gives a keynote at the MAPPING FGA in Hannover.

"" Human rights and the rule of law are equally valid in the digital world

Silvia Grundmann
CoE

A detailed description of the topics discussed during the whole event will be provided in the special report (MAPPING Deliverable 9.6), which will be published via the project´s website by the end of the year. This newsletter will outline a few of the issues discussed.

Among others, the development of the "Post-Snowden" situation in some key European institutions was presented. Issues touched included the following: the legal base of privacy protection of the European Covenant on Human Rights (ECHR), soft laws such as the Council of Europe´s recommendations regarding data privacy protection and their implementation situation, chronicling related significant European Court of Human Rights (ECtHR) verdicts. The soft law nature of recommendations and declarations was clarified, and their standards setting function among member states was emphasized. The audience also received information on the future plans of the Council of Europe regarding privacy protection, including the new IG-strategy 2016-2019 and other works on the safety and protection of journalists on the agenda.

The Assembly also hosted the presentation of UNESCO's perspective on privacy protection and how it can be balanced with freedom of expression. Firstly, the relationship between privacy and freedom of expression, as well as with transparency was analysed. Among many other efforts in various UNESCO events, the four **R-O-A-M principles** of the Net were restated, namely (Human) Rights bases, Openness, Accessibility for all (also technical access, multi-lingual content, etc.), and a Multi-stakeholder approach (actors from CSOs, NGOs as well as academia).

The issue was then approached from a U.S. perspective. The audience were informed about the Electronic Privacy Information Centre, its institutional aims and the continuous series of efforts in privacy protection this institution made before and after the Snowden disclosures, including Spokeo vs Robbins (US Supreme Court 2015), EPIC vs DHS (US Supreme court 2015), EPIC vs FAA (DC Circuit 2015), and EPIC FOIA vs DHS (EU-US Umbrella Agreement). The interplay and relationship between privacy, freedom of expression, and open government was analysed, emphasizing the difference between privacy and transparency.

In the thematic sessions the panellists and audience members were also debating how best

to improve privacy protection in regards to the recent legal system and technology development, in particular concerning issues of encryption, anonymization, surveillance, blank ban practice, government backdoor requirement, the Safe Harbour Agreement, minority rights, data intangible heritages of human community, the feasibility of an international treaty on privacy, and the possible misuse of such a treaty.

The first Annual MAPPING General Assembly in Hannover also featured a panel presentation by MAPPING project coordinator and newly appointed **UN Special Rapporteur on the right to privacy**, Professor Joe Cannataci; who gave his first public speech in front of a live audience since taking up this new UN mandate on 1 August 2015.
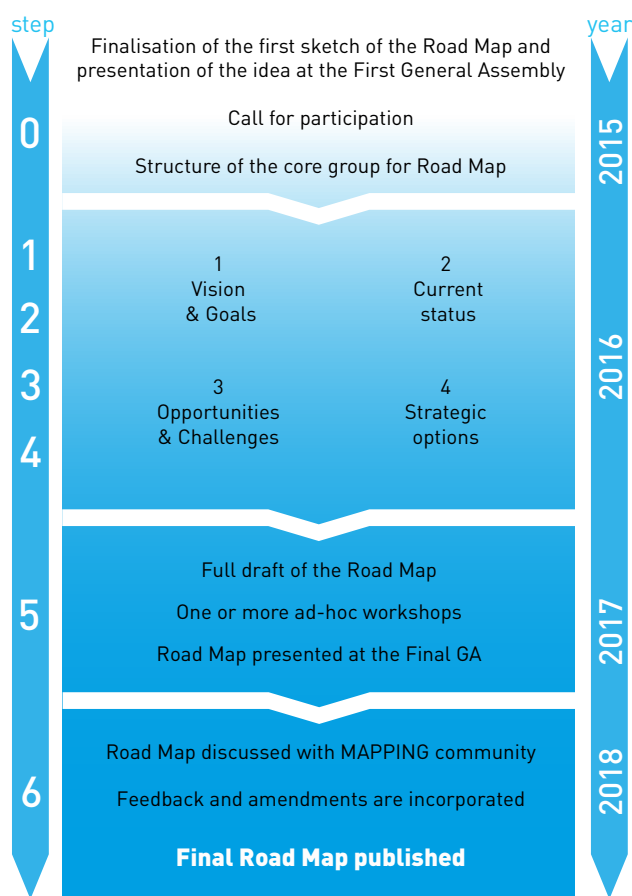

Professor Joe Cannataci, MAPPING project coordinator, gave his first public speech as the UN Special Rapporteur on the right to privacy.

MAPPING Road Map activities launched

A fundamental output of the dialogue with MAPPING actors and stakeholders was the presentation of the draft of the MAPPING Road Map, which aims to contribute to new and emerging EU policy on the digital transition. MAPPING has started to chart the Road Map through its different clusters of dialogue, with a thematic focus on three substantive areas that are the focus areas of the MAPPING project: Internet Governance, Privacy, and Intellectual Property Rights.

The MAPPING project started off a process of devising the **MAPPING Road Map**. The first Road Map´s outline was presented during the first Annual General Assembly in Hannover on 22 Sep-

The Road Map process

The figure shows a timeline diagram with "step" arrow on the left and "year" arrow on the right:

- **Step 0** (2015): Finalisation of the first sketch of the Road Map and presentation of the idea at the First General Assembly; Call for participation; Structure of the core group for Road Map
- **Steps 1, 2, 3, 4** (2016): 1 Vision & Goals; 2 Current status; 3 Opportunities & Challenges; 4 Strategic options
- **Step 5** (2017): Full draft of the Road Map; One or more ad-hoc workshops; Road Map presented at the Final GA
- **Step 6** (2018): Road Map discussed with MAPPING community; Feedback and amendments are incorporated; **Final Road Map published**

tember 2015, as one of the fundamental outputs of the dialogue with all stakeholders engaged with the MAPPING project since the beginning through a variety of interactive communications. The initial document consists of four parts which present respectively: elements regarding the concept and methodology of road mapping; the thematic background of MAPPING's Road Map; its coordinates; the steps for its formulation.

The MAPPING Road Map contains an outline of the focuses and issues the project aims to tackle. It is a forward looking document that is designed as an output for consultation even after the project has reached its formal conclusion. There are five pathways for achieving these aims: legal, business, technology, governance and societal paths. Audiences and panellists commented on the Road Map from multiple perspectives, e.g. sustainability in terms of the range of the Road Map, the relationship between the five pathways, inclusiveness of non-binding instruments such

as soft laws, usefulness of the technical pathway at this moment in time, and the problem of being EU-centric in a global issue.

The development of the Road Map is planned as a six step process and will be intensified in the upcoming twelve months (see the figure above). The document is now being communicated to decision makers both in the public and the private sector and will form a solid contribution to new and emerging EU policy on the digital transition that will steer Europe to a safe, productive and intellectually stimulating digital future. A special participatory session on the Road Map will be held during the Second Annual General Assembly in Prague.

If you wish to participate in the development of the Road Map, please contact Alfonso Alfonsi, the Laboratory of Citizenship Sciences (LSC) team coordinator and MAPPING Dialogue & Participation Work Package leader.

Focus Groups Results

During the first phase of the MAPPING project in 2014/2015 a series of Focus Groups were organised which served as a coordinated and comparative consultation of stakeholders in the relevant thematic fields of the MAPPING project. Within the project framework the objective was twofold:

- To obtain comparable informed opinions from a wide range of Internet related stakeholders in several European countries on practices, problems and experiences of change related to current and emerging **Internet uses** where **citizens seek remedies**;

- To test some initial **dialogue** and **participation** assumptions and instruments.

On the basis of an analysis of transcripts of all the Focus Groups, the LSC team drafted "Brief guidelines for dialogue and participation activities". This document very thoroughly aggregates and articulates issues that were discussed by participants during the Focus Groups. A summary chart of respective focuses is presented in the figure below.

Focuses of Dialogue Summary Chart

Area A - Privacy and Integrity	
Focus A1	Risky user behaviours
Focus A2	Security problems of enterprises in protecting digital data assets
Focus A3	Security risks concerning personal data legitimately managed by public or private organizations
Focus A4	Education and awareness raising
Focus A5	Legitimacy/Opaqueness of current business models based on personal data
Focus A6	Emerging "privacy friendly" business models
Focus A7	Personal identity management
Focus A8	Informational self-determination/data sovereignty
Focus A9	Gap in the regulatory and enforcement system
Focus A10	Responsibility of providers and system developers
Focus A11	Surveillance, security and democracy
Focus A12	Safeguards, encryption and anonymity

Area B - Internet Governance	
Focus B1	Divergences on how to understand Internet governance
Focus B2	Different views on the current performance of Internet governance and the areas to be governed
Focus B3	Divergence concerning the governance models and the legitimate actors
Focus B4	Pros and cons of a multilateral legal instrument or declaration of principles for the internet
Focus B5	Divergent views on "parallel internets" and their feasibility/sustainability

Area C - Intellectual Property Rights	
Focus C1	Common practices putting at risks authors and creative industries
Focus C2	Rethinking IPRs vis-à-vis technology, social behaviour and legal rules
Focus C3	New business models for creative industries
Focus C4	Harmonising IPRs in Europe and world-wide
Focus C5	Open source vs. property logic and their effects on innovation

The results of the Focus Groups will be utilized in further Dialogue and Participation activities. The currently prepared MAPPING Road Map will serve as supporting material for a MAPPING Policy Brief to the European Commission. If you wish to utilise the results of the Focus Groups or to contribute to the document itself, please contact Alfonso Alfonsi.

Privacy via IT Security: Innovating Mobile Apps

By the end of 2015 the MAPPING project will be launching an **APP COMPETITION** for young innovators and entrepreneurs. This Competition is part of Work Package 5 'Privacy, Personality and Business Models' of the project. The main topics of the competition are related to the core MAPPING fields of interest, such as IT-security and Cybercrime prevention measures, identified as one of the most important fields in the context of privacy and data protection of today and for the foreseeable future. The competition addresses the requirement of society to deal with security threat encounters and the exposure of personal data through the call for innovative IT security tools, which enhance **integrity**, **authenticity** and **confidentiality of personal data** in mobile and online environments.

The best ideas will be announced at an Awards Ceremony on the SCALE 11 event for start-ups during the CeBIT Conference in Hannover on 14 March 2016. Additionally, the top three ideas will win a workstation at the CeBIT conference for one week. The overall winner will be awarded financial compensation of 20 000 EUR for the App´s development. Both the competition and award ceremony will receive adequate media coverage.

**Deadline for Proposal
Value Propositions**

31 December 2015

http://mapping-competition.uni-hannover.de/

Second General Assembly in Prague

Although the First Annual General Assembly took place recently, the MAPPING consortium is already looking forward to the Second Annual General Assembly and has started preparing for the event. The Assembly will be held on **31 October - 2 November 2016** in **Prague** and will be the next major milestone in the on-going MAPPING process, addressing open questions regarding the relationship between the Internet and society. Input from our stakeholders has led to the decision to extend the event in order to have more time for each of the thematic issues and open discussion, therefore the Second Annual General Assembly will take place over a three day period.

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Express your preliminary interest to participate at the Second Annual General Assembly

www.mappingtheinternet.eu/SGA

MAPPING Community

Join a group of experts and practitioners through which the MAPPING problem areas and beyond are discussed.

Contact us

For more information about the project please visit **www.mappingtheinternet.eu** where you can sign up for our Newsletter.

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PARTNERS