

# OECD Principles for Internet Policy Making



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## Introduction

Over the past two decades, the Internet has radically changed our lives. Today, billions of people around the world have access to information and are connected to one another in ways that are more and more innovative. The interconnection of entire systems can help promote growth and productivity as well as achieve important economic and social goals. But it also creates challenges, which must be addressed to ensure that the benefits are widely spread.

The OECD has been at the forefront of policy analysis on the digital economy since the start. OECD work covers domestic and cross-border legal and regulatory, technical and educational issues related to the whole ecosystem, including communication infrastructure, information and communication technologies (ICTs), evolving business models, cybersecurity, critical information infrastructures, privacy and consumer protection. The OECD has also developed influential guidelines to help governments preserve the open and unified Internet that is needed to support economic growth, while at the same time manage privacy and security risks.

In 2011, consistent with the growing recognition of the critical role played by ICTs, and in particular the Internet, the OECD community came together, through a multi-stakeholder process, to draw on the experience of all participants in good practices for Internet policy and governance. This led to the adoption of the OECD Recommendation on Internet Policy Making Principles, a cornerstone of the OECD's work in this area.

The Principles were endorsed by all 34 OECD Member countries, together with Colombia, Costa Rica, Egypt and Lithuania. The goals include implementing shared policies and practices to attain the greatest practical coverage and use while protecting privacy, security, children online, intellectual property, and the free flow of information.

The Principles, set out below, support a flexible, multi-stakeholder approach to Internet policy making and strengthened international co-operation. The entire OECD Council Recommendation and its associated Communiqué can be found in the Annex.



## 1. Promote and protect the global free flow of information

The Internet economy depends crucially on the global free flow of information. Ensuring compatibility across a diverse set of laws and regulations is important in this regard. It is also essential for governments to work together to better protect personal data, children online, consumers, intellectual property rights, and to address cybersecurity while respecting fundamental rights.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Recommendation of the Council on International Mobile Roaming Services (2012)
- Recommendation of the Council on Information and communication Technologies and the Environment (2010)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on the Protection of Critical Information Infrastructures (2008)
- Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information (2008)
- Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (2007)
- Recommendation of the Council on Electronic Authentication (2007)
- Recommendation of the Council on Cross-Border Co-operation in the Enforcement of Laws against Spam (2006)
- Recommendation of the Council on Broadband Development (2003)
- Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders (2003)



- Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security (2002)
- Ministerial Declaration on Authentication for Electronic Commerce (1998)
- Ministerial Declaration on the Protection of Privacy on Global Networks (1998)
- Recommendation of the Council concerning Guidelines for Cryptography Policy (1997)
- Declaration on Transborder Data Flows (1985)

## 2. Promote the open, distributed and interconnected nature of the Internet

As a decentralised network of networks, the Internet has achieved global interconnection without the development of a formal regulatory regime, which could risk undermining its growth as the Internet's openness to new devices, applications and services has played an important role in its success in fostering innovation, creativity and economic growth. Maintaining technology neutrality and appropriate quality for all Internet services is also critical.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Report on Machine-to-Machine Communications (2012)
- Recommendation of the Council on the Protection of Critical Information Infrastructures (2008)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Report on Internet Traffic Prioritisation (2007)



### 3. Promote investment and competition in high speed networks and services

High speed networks and services are essential for future economic growth, job creation and competitiveness. Public policies should promote robust competition in the provision of high speed broadband Internet and promote investment in these networks to attain the greatest geographic coverage. Governments should also allow users to access a diversity of content, on non-discriminatory terms, including the cultural and linguistic content of their choice.

#### OECD guidance and relevant work underpinning the Principles

- Report on ICT Applications for the Smart Grid (2012)
- Report on Universal Service Policies in the Context of National Broadband Plans (2012)
- Report on Fibre Access (2011)
- Report on National Broadband Plans (2011)
- Report on Next Generation Networks and Market Structure (2011)
- Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information (2008)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on Broadband Development (2003)

### 4. Promote and enable the cross-border delivery of services

Suppliers should be permitted to supply services over the Internet on a cross-border and technologically neutral basis and in a manner that promotes interoperability of services and technologies. At the same time, users should have the ability to access and generate lawful content and run applications of their choice and barriers to the location, access and use of cross-border data facilities and functions should be minimised.



## OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Recommendation of the Council on the Protection of Critical Information Infrastructures (2008)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on Electronic Authentication (2007)
- Recommendation of the Council on Broadband Development (2003)
- Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security (2002)

## 5. Encourage multi-stakeholder co-operation in policy development processes

The multi-stakeholder environment has underpinned the process of Internet governance and the management of critical Internet resources (such as naming and numbering resources) and it should continue to occur in a transparent manner. Governments should also work within a multi-stakeholder process to achieve international public policy goals and strengthen Internet governance.

## OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (2007)
- Recommendation of the Council on Cross-Border Co-operation in the Enforcement of Laws against Spam (2006)
- Ministerial Declaration on Authentication for Electronic Commerce (1998)





## 6. Foster voluntarily developed codes of conduct

Governments are encouraged to facilitate and support the development of voluntary codes of conduct through a multi-stakeholder process. The codes should encourage co-operative efforts by the private sector to respect the freedoms of expression, association and assembly online, and to address illegal activity, including fraudulent, malicious, misleading and unfair practices taking place over the Internet. Accountability mechanisms are important in this regard.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (2007)
- Recommendation of the Council on Cross-Border Co-operation in the Enforcement of Laws against Spam (2006)
- Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security (2002)
- Ministerial Declaration on the Protection of Privacy on Global Networks (1998)
- Ministerial Declaration on Authentication for Electronic Commerce (1998)
- Declaration on Transborder Data Flows (1985)



## 7. Develop capacities to bring publicly available, reliable data into the policy making process

The collection, validation and public dissemination of objective data to inform Internet policy decisions should be reinforced and used to augment the combined research capacities of governments and other competent authorities and stakeholders. Data gathering should be undertaken so as to avoid administrative burdens and data analysis should be done carefully to enable sound policy making.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Recommendation of the Council on Information and communication Technologies and the Environment (2010)
- Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information (2008)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)

## 8. Ensure transparency, fair process, and accountability

Transparency ensures that Internet users have timely, accessible, and actionable information that is relevant to their rights and interests. Fair process provides predictable decision-making procedures to govern the definition, assertion, and defence of rights. Accountability is achieved through policies that make parties answerable, where appropriate, for their actions on the Internet.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)



- Ministerial Declaration on the Protection of Privacy on Global Networks (1998)
- Ministerial Declaration on Authentication for Electronic Commerce (1998)
- Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders (2003)
- Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information (2008)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on the Protection of Children Online (2011)

## 9. Strengthen consistency and effectiveness in privacy protection at a global level

Strong privacy protection is critical to ensuring that the Internet fulfils its social and economic potential. Privacy rules should be based on globally recognised principles, such as the OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data, and governments should work to achieve global interoperability by extending mutual recognition of laws that achieve the same objectives. Privacy rules should also consider the fundamental rights of others in society including rights to freedom of speech, freedom of the press, and an open and transparent government.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Recommendation of the Council on the Protection of Critical Information Infrastructures (2008)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)



- Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (2007)
- Recommendation of the Council on Electronic Authentication (2007)
- Recommendation of the Council on Cross-Border Co-operation in the Enforcement of Laws against Spam (2006)
- Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders (2003)
- Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security (2002)
- Ministerial Declaration on the Protection of Privacy on Global Networks (1998)
- Recommendation of the Council concerning Guidelines for Cryptography Policy (1997)

## 10. Maximise individual empowerment

The Internet offers the potential for individuals to exercise control over the information that they receive as well as the personal data that is disclosed about them. To maximise this potential, governments, the private-sector, the Internet technical community and civil society should all work together to ensure effective individual control over the receipt of information and disclosure of personal data.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Recommendation of the Council on the Protection of Children Online (2011)
- Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information (2008)



- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (2007)
- Recommendation of the Council on Cross-Border Co-operation in the Enforcement of Laws against Spam (2006)
- Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders (2003)
- Ministerial Declaration on the Protection of Privacy on Global Networks (1998)
- Ministerial Declaration on Authentication for Electronic Commerce (1998)

## 11. Promote creativity and innovation

Numerous factors contribute to the extraordinary creativity and innovation found on the Internet, including intellectual property protection and low barriers to entry that have enabled the creation and deployment of new technologies, products and services. In this regard, governments should promote an open Internet that supports the free flow of information, research, innovation, entrepreneurship as well as basic and applied research and collaborative knowledge and innovation networks.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information (2008)
- Recommendation of the Council on Broadband Development (2003)



## 12. Limit Internet intermediary liability

Appropriate limitations of liability for Internet intermediaries play a fundamental role in promoting innovation and creativity, the free flow of information, incentives for co-operation among stakeholders and economic growth. Internet intermediaries, like other stakeholders, also play an important role in addressing and deterring illegal activity, fraud and misleading and unfair practices conducted via their networks and services. Proportionality and compliance with the protection of all relevant fundamental rights are important in this regard.

### OECD guidance and relevant work underpinning the Principles

- Report on the Role of Internet Intermediaries in Advancing Public Policy Objectives (2011)
- Report on the Economic and Social Role of Internet Intermediaries (2010)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)

## 13. Encourage co-operation to promote Internet security

Governments should address security threats and reduce vulnerabilities, support individual and collective efforts for self-protection, and promote trust and confidence. But they should not disrupt the framework conditions that enable the Internet to operate as a global open platform for innovation, economic growth, and social progress. The implementation of internationally recognised, market-driven security standards and best practices to promote online security should be encouraged.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council on the Protection of Critical Information Infrastructures (2008)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)



- Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (2007)
- Recommendation of the Council on Electronic Authentication (2007)
- Recommendation of the Council on Cross-Border Co-operation in the Enforcement of Laws against Spam (2006)
- Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security (2002)
- Recommendation of the Council concerning Guidelines for Cryptography Policy (1997)

## 14. Give appropriate priority to enforcement efforts

Encouraging investment and innovation in the Internet requires clearly defined legal rights and a robust and fair process to protect those rights, including users' rights, consistent with the need of governments to enforce applicable law. It is important that governments, industry and civil society work together to foster respect for the law and protect fundamental rights.

### OECD guidance and relevant work underpinning the Principles

- Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data (2013)
- Declaration for the Future of the Internet Economy – The Seoul Declaration (2008)
- Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy (2007)
- Recommendation of the Council on Cross-Border Co-operation in the Enforcement of Laws against Spam (2006)
- Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security (2002)
- Ministerial Declaration on the Protection of Privacy on Global Networks (1998)
- Ministerial Declaration on Authentication for Electronic Commerce (1998)



## Annex

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### Recommendation of the OECD Council on Principles for Internet Policy Making

December 2011

THE COUNCIL,

HAVING REGARD to article 5 b) of the Convention on the Organisation for Economic Cooperation and Development of 14th December 1960;

HAVING REGARD to Rule 18 b) of the Rules of Procedure;

HAVING REGARD to the Declaration for the Future of the Internet Economy (The “Seoul Declaration”) of 18 June 2008 [C(2008)99], which recognises that the Internet provides an open, decentralised platform for communication, collaboration, innovation, creativity, productivity improvement and economic growth;

HAVING REGARD to the Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data [C(80)58/FINAL], the Recommendation of the Council concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security [C(2002)131/FINAL], the Recommendation of the Council on Broadband Development [C(2003)259/FINAL], the Recommendation of the Council on the Protection of Critical Information Infrastructures [C(2008)35];

RECOGNISING that, at the OECD’s High Level Meeting on The Internet Economy: Generating Innovation and Growth held in June 2011, representatives of OECD Members, Egypt, the Business Industry Advisory Committee to the OECD (BIAC) and the Internet Technical Advisory Committee (ITAC), agreed to the Communiqué on Principles for Internet Policy making (the “Communiqué”);

RECOGNISING that this Communiqué, building on the Seoul Declaration, highlighted that the strength and dynamism of the Internet depend on its ease of access through high speed networks, on openness, and on user confidence; that the Internet allows people to give voice to their democratic aspirations and that any policy making associated with it must promote openness and be grounded in respect for human rights and the rule of law;





On the proposal of the Committee for Information, Computer and Communication Policy:

I. RECOMMENDS that, in developing or revising their policies for the Internet Economy, Members, in co-operation with all stakeholders, take account of the following high level principles as explained in the Communiqué:

1. Promote and protect the global free flow of information;
2. Promote the open, distributed and interconnected nature of the Internet;
3. Promote investment and competition in high speed networks and services;
4. Promote and enable the cross-border delivery of services;
5. Encourage multi-stakeholder co-operation in policy development processes;
6. Foster voluntarily developed codes of conduct;
7. Develop capacities to bring publicly available, reliable data into the policy making process;
8. Ensure transparency, fair process, and accountability;
9. Strengthen consistency and effectiveness in privacy protection at a global level;
10. Maximise individual empowerment;
11. Promote creativity and innovation;
12. Limit Internet intermediary liability;
13. Encourage co-operation to promote Internet security;
14. Give appropriate priority to enforcement efforts.

II. RECALLS that the Communiqué on Principles for Internet Policy Making, which is attached for information purposes, provides context and support to Members and stakeholders in their effort to implement effective and compatible approaches for Internet policy making, both at the national and international levels;



### III. INVITES

Members to:

- Disseminate this Recommendation throughout their government and to all partner stakeholders, including business, civil society, the Internet technical community and other international forums, and;
- Consult, co-ordinate and co-operate at national and international levels, through multi-stakeholder processes, towards the effective implementation of the Recommendation;

Non-Members to take account of and adhere to this Recommendation and collaborate with Members in its implementation;

IV. INSTRUCTS the Committee for Information, Computer and Communications Policy to:

- Promote the dissemination of this Recommendation;
- Assist Members and non-Members in its implementation through a multi-stakeholder process.



## Communiqué on Principles for Internet Policy Making

[adopted at the High Level Meeting on The Internet Economy: Generating Innovation and Growth, 28-29 June 2011]

The Seoul Declaration on the Future of the Internet Economy adopted at the 2008 OECD Ministerial on the Future of the Internet Economy recognised that the Internet provides an open, decentralised platform for communication, collaboration, innovation, creativity, productivity improvement and economic growth. Building on the Seoul Declaration, the OECD's High-Level Meeting on The Internet Economy: Generating Innovation and Growth, held in June 2011, highlighted that the strength and dynamism of the Internet depends on its ease of access to high-speed networks, openness, and on user confidence.

In the context of this High-Level Meeting, we, the representatives of OECD Members, Egypt and of stakeholders including the Business and Industry Advisory Committee to the OECD (BIAC), and the Internet Technical Community (ITAC), agreed on a number of basic principles for Internet policy making as an important step in ensuring that the Internet remains open and dynamic.

We recognised that the Internet allows people to give voice to their democratic aspirations, and any policy making associated with it must promote openness and be grounded in respect for human rights and the rule of law.

We recognised the essential contribution of stakeholders, including business, civil society, the Internet technical community and academic institutions, to the ongoing development of the Internet and the enrichment of society using the Internet.

We stressed that more ubiquitous access to and use of broadband Internet networks, which are available in a competitive market and at affordable prices, will help foster innovation and drive the growth of the Internet Economy and of the economy in general.

We emphasised that, in certain cases, public support and investment may be needed to ensure the greatest practical availability of these networks in our countries, in particular in rural and remote areas, and that such public intervention should support market competition and promote private investment initiatives.



We underlined the importance of generating demand and the significant role that governments can play in this regard by stimulating the use of broadband Internet networks in areas such as science, education, health, transportation and smart electricity grids as well as promoting the use of Internet for an ageing society.

We recognised that new and evolving technologies and protocols, with their enabling effect on broader opportunities and innovation such as IPv6, the Semantic Web and cloud computing, are emerging as a general engine for economic and social development. In the context of recent natural disasters we recognised that a resilient network can play a crucial role in ensuring information sharing and facilitating rapid aid distribution.

The Internet has grown and diffused extremely rapidly across the globe, and continues to bring significant benefits to economies and societies. Individual innovators, and a co-operative multi-stakeholder environment, have played significant roles in this process. Enhancing access and participation in the Internet economy through the deployment of high-speed broadband Internet networks can also help in increasing the availability of legitimate content, in addition to supporting the free flow of information and knowledge, the freedom of expression, association and assembly, the protection of individual liberties, as critical components of a democratic society and cultural diversity.

The policy making principles in this communiqué are designed to help preserve the fundamental openness of the Internet while concomitantly meeting certain public policy objectives, such as the protection of privacy, security, children online, and intellectual property, as well as the reinforcement of trust in the Internet. Effective protection of intellectual property rights plays a vital role in spurring innovation and furthers the development of the Internet economy. Internet policy making principles need to take into account the unique social, technical and economic aspects of the Internet environment. It is clear that the open and accessible nature of the Internet needs to be supported for the benefit of freedom of expression, and to facilitate the legitimate sharing of information, knowledge and exchange of views by users, including research and development, that has brought about widespread innovation to our economies.

Recognising the reliance of our economies on the Internet, the global nature of the Internet, and the various approaches implemented to stimulate the Internet economy, including innovative governance strategies in convening diverse groups of stakeholders to forge consensus-based policies, we agreed as governments,



private sector stakeholders and civil society to the following basic principles for Internet policy making:

## Promote and protect the global free flow of information

The Internet Economy, as well as individuals' ability to learn, share information and knowledge, express themselves, assemble and form associations, depend on the global free flow of information. To encourage the free flow of information online, it is important to work together to advance better global compatibility across a diverse set of laws and regulations. While promoting the free flow of information, it is also essential for governments to work towards better protection of personal data, children online, consumers, intellectual property rights, and to address cybersecurity. In promoting the free flow of information governments should also respect fundamental rights.

## Promote the open, distributed and interconnected nature of the Internet

As a decentralised network of networks, the Internet has achieved global interconnection without the development of any international regulatory regime. The development of such a formal regulatory regime could risk undermining its growth. The Internet's openness to new devices, applications and services has played an important role in its success in fostering innovation, creativity and economic growth. This openness stems from the continuously evolving interaction and independence among the Internet's various technical components, enabling collaboration and innovation while continuing to operate independently from one another. This independence permits policy and regulatory changes in some components without requiring changes in others or impacting on innovation and collaboration. The Internet's openness also stems from globally accepted, consensus driven technical standards that support global product markets and communications. The roles, openness, and competencies of the global multi-stakeholder institutions that govern standards for different layers of Internet components should be recognised and their contribution should be sought on the different technical elements of public policy objectives. Maintaining technology neutrality and appropriate quality for all Internet services is also important to ensure an open and dynamic Internet environment. Provision of open Internet access services is critical for the Internet economy.



## Promote investment and competition in high-speed networks and services

High-speed networks and services are essential for future economic growth, job creation, greater competitiveness and for people to enjoy a better life. Public policies should promote robust competition in the provision of high-speed broadband Internet that is available to users at affordable prices and promote investment also to attain the greatest geographic coverage of broadband Internet. They should also promote an optimal level of investment by creating demand for high-speed broadband networks and services, in particularly in areas where governments play a key role such as in education, health, energy distribution and transport. Public policies should help foster a diversity of content, platforms, applications, online services, and other user communication tools that will create demand for networks and services, as well as to allow users to fully benefit from those networks and services and to access a diversity of content, on non-discriminatory terms, including the cultural and linguistic content of their choice.

## Promote and enable the cross-border delivery of services

Suppliers should have the ability to supply services over the Internet on a cross-border and technologically neutral basis in a manner that promotes interoperability of services and technologies, where appropriate. Users should have the ability to access and generate lawful content and run applications of their choice. To ensure cost effectiveness and other efficiencies, other barriers to the location, access and use of cross-border data facilities and functions should be minimised, providing that appropriate data protection and security measures are implemented in a manner consistent with the relevant OECD Guidelines and reflecting the necessary balance among all fundamental rights, freedoms and principles.

## Encourage multi-stakeholder co-operation in policy development processes:

The Internet's complexity, global reach, and constant evolution require timely, scalable, and innovation-enabling policies. Due to the rapidly changing technological, economic and social environment within which new policy challenges



emerge, multi-stakeholder processes have been shown to provide the flexibility and global scalability required to address Internet policy challenges. These multi-stakeholder processes should involve the participation of all interested stakeholders and occur in a transparent manner. In particular, continued support is needed for the multi-stakeholder environment, which has underpinned the process of Internet governance and the management of critical Internet resources (such as naming and numbering resources) and these various stakeholders should continue to fully play a role in this framework. Governments should also work in multi-stakeholder environments to achieve international public policy goals and strengthen international co-operation in Internet governance.

## Foster voluntarily developed codes of conduct

Governments may be able to achieve certain policy goals through flexible, adaptive means by encouraging, facilitating and supporting the development of codes of conduct that are supported by effective accountability mechanisms. These codes would be developed by voluntary participants in a multi-stakeholder process and, if appropriate, enforceable under appropriate governmental authority. Such codes of conduct should encourage and facilitate voluntary co-operative efforts by the private sector to respect the freedoms of expression, association and assembly online, and to address illegal activity, including fraudulent, malicious, misleading and unfair practices taking place over the Internet. Such co-operative efforts should be balanced and consistent with the applicable legal framework and where those co-operative efforts are not forthcoming, other policy options consistent with these principles should be considered in consultation with relevant stakeholders.

## Develop capacities to bring publicly available, reliable data into the policy making process

Publicly available data can increase the quality of all stakeholders' participation in Internet policy making as well as governments' ultimate policy decisions. The collection, validation and public dissemination of objective data to inform Internet policy decisions should be reinforced and used to augment the combined research capacities of governments, other competent authorities and other stakeholders. International comparable metrics will help to quantify the ongoing economic developments and assess the proportionality and effectiveness of any policy solutions created in multi-stakeholder processes. Data gathering should be under-



taken so as to avoid administrative burdens and data analysis should be done carefully to enable sound policy making.

## Ensure transparency, fair process, and accountability

In order to build public trust in the Internet environment, policy making processes and substantive policies that ensure transparency, fair process, and accountability should be encouraged. Transparency ensures that Internet users have timely, accessible, and actionable information that is relevant to their rights and interests. Fair process provides predictable decision-making procedures to govern the definition, assertion, and defence of rights. Accountability is achieved through policies that make parties answerable, where appropriate, for their actions on the Internet.

## Strengthen consistency and effectiveness in privacy protection at a global level

Strong privacy protection is critical to ensuring that the Internet fulfils its social and economic potential. Current privacy challenges are likely to become more acute as the economy and society depends more heavily on broadened and innovative uses of personal information that can be more easily gathered, stored, and analysed. As individuals increasingly engage via the Internet in their public and private lives, they should be empowered to better understand how their personal data may be used, exercise greater control over those uses, and be confident that it will be handled fairly. Privacy rules should be based on globally recognised principles, such as the OECD privacy guidelines, and governments should work to achieve global interoperability by extending mutual recognition of laws that achieve the same objectives. Cross-border enforcement co-operation will further protect privacy and promote innovation. Privacy rules should also consider the fundamental rights of others in society including rights to freedom of speech, freedom of the press, and an open and transparent government.





## Maximise individual empowerment

The Internet offers potential for individuals to exercise control over the information that they receive as well as the personal data that is disclosed about them. To maximise this potential governments, the private-sector, the Internet technical community and civil society should all work together to provide the capacity for appropriate and effective individual control over the receipt of information and disclosure of personal data, which should include user education and digital literacy initiatives.

## Promote creativity and innovation

Numerous factors account for the extraordinary creativity and innovation found on the Internet, including intellectual property protection for creative endeavours and low barriers to entry which have enabled creation and deployment of new technologies, products and services. The Seoul Declaration of the OECD on the Future of the Internet Economy highlighted some of these factors including an open environment that supports the free flow of information, research, innovation, entrepreneurship, the wide accessibility to public sector information and content, the encouragement of basic and applied research on the Internet and of collaborative knowledge and innovation networks involving universities, governments, and public research. Low barriers to entry enabled by the open platform nature of the Internet environment have been crucial to online creativity and innovation. Policies and practices should continue to encourage and promote an Internet environment which is conducive to launching creative and innovative technologies, businesses, and other endeavours that respect recognised legal rights without having to obtain permission or affirmative co-operation from established service providers. Intellectual property protection is a fundamental tool for the advancement of innovation and creativity on the Internet. New and complementary approaches balanced to ensure effective protection of intellectual property should also be encouraged where necessary, and should also ensure protection of legitimate competition and fundamental principles such as freedom of expression, access to lawful content and Internet services and technologies, fair process, and privacy. Sound Internet policy should encompass norms of responsibility that enable private sector voluntary co-operation for the protection of intellectual property. Appropriate measures include lawful steps to address and deter infringement, and accord full respect to user and stakeholder rights and fair process. In keeping with the multi-



stakeholder processes set out in this document, all parties have a role to play, including individuals, providers, intermediaries, and judicial authorities.

## Limit Internet intermediary liability

Appropriate limitations of liability for Internet intermediaries have, and continue to play, a fundamental role, in particular with regard to third party content. Internet intermediaries, like other stakeholders, can and do play an important role by addressing and deterring illegal activity, fraud and misleading and unfair practices conducted over their networks and services as well as advancing economic growth. Limitations play an important role in promoting innovation and creativity, the free flow of information, and in providing the incentives for co-operation between stakeholders. Within this context governments may choose to convene stakeholders in a transparent, multi-stakeholder process to identify the appropriate circumstances under which Internet intermediaries could take steps to educate users, assist rights holders in enforcing their rights or reduce illegal content, while minimising burdens on intermediaries and ensuring legal certainty for them, respecting fair process, and more generally employing the principles identified in this document. In achieving these current objectives the social and economic costs and benefits, including impacts on Internet access, use, security and development of the policy options should be assessed as part of their development process as should also be their compatibility with the protection of all relevant fundamental rights and freedoms and their proportionality in view of the seriousness of the concerns at stake.

## Encourage co-operation to promote Internet security

Policies to address security threats and reduce vulnerabilities are important to the continued vitality of the Internet. The implementation of internationally recognised, market-driven security standards and best practices to promote online security should be encouraged. In addition, breakthrough R&D on novel security systems capable of dealing with the high complexity of ICT networks, information systems and applications should be encouraged. Policies to enhance online security should not disrupt the framework conditions that enable the Internet to operate as a global open platform for innovation, economic growth, and social progress and should not be used as pretence for protectionism. Policies should also aim to enhance individual and collective efforts for self- protection and promote trust and



confidence. Their consistency with, and potential impact on, other economic and social dimensions of the Internet should be carefully assessed through a multi-stakeholder process prior to adoption and implementation.

## Give appropriate priority to enforcement efforts

Encouraging investment and innovation in the Internet marketplace requires clearly defined legal rights and a robust and fair process to protect those rights, including users' rights, consistent with the need of governments to enforce applicable law. It is important in this regard that governments, industry and civil society work together to foster respect for the law and protect fundamental rights. Sufficient government enforcement resources and industry co-operation should also be available to ensure that Internet-based activities comply with law. Current legislative and regulatory provisions could be reviewed to ensure that they can be effectively enforced and are consistent with fundamental rights. Finally, co-operation on cross-border investigations and enforcement actions should be improved.