

# DIGITAL RIGHTS WATCH



Annual Report 2016



**“ARGUING THAT YOU DON’T CARE ABOUT  
THE RIGHT TO PRIVACY BECAUSE YOU HAVE  
NOTHING TO HIDE IS NO DIFFERENT THAN  
SAYING YOU DON’T CARE ABOUT FREE SPEECH  
BECAUSE YOU HAVE NOTHING TO SAY.”**

**- EDWARD SNOWDEN**



# OUR FIRST YEAR

## Update from the Chair:

The first year of operations for Digital Rights Watch hasn't come without challenges. We have a Government who continue to implement a national warrantless mass surveillance program, the huge privacy failure of the national Census and ongoing issues around the privacy of Australian citizens online.

We have nonetheless made huge ground in establishing both the need and effectiveness of a digital rights advocacy organisation.

Digital Rights Watch's mission is to ensure that Australian citizens are equipped, empowered and enabled to uphold their digital rights. We educate, campaign, lobby and advocate for a digital environment where individuals have the power to maintain their human rights.

In the past year, we've increased our media profile and written substantive submissions to several key inquiries. We've engaged with Government, secured partnerships with likeminded organisations, spoken at conferences and joined global campaigns and movements.

Digital Rights Watch is also now a national charity, fully registered with the Australian Tax Office and the Australian Charities and Nonprofits Commission.

The financial stability of the organisation is something that the board continues to work on. Looking ahead into 2017, we're excited about what the future holds for digital rights advocacy in Australia.

**Tim Singleton Norton**

Chair - Digital Rights Watch

# OUR PEOPLE

**Digital Rights Watch is nothing without the committed individuals who support our work**

## **Digital Rights Watch 2016 board members:**

Tim Singleton Norton (chair)  
Nicolas Suzor (deputy chair)  
Suzy Wood (secretary)  
Amy Gray  
Lizzie O'Shea  
Chris Berg  
Nick Jaffe

## **Volunteers:**

Erin Farley - Media  
Sarah Jansen - Partnerships  
Elise Thomas - Policy  
Jessica Hine - Policy

## **Digital Rights Watch Advisory Council**

Our advisory council is comprised of academics, activists and advisors. They support our work by providing their expertise and understanding of policy, research and advocacy. Advisory council members provide us with critical input, but are not responsible for and do not necessarily endorse the work or policy positions of Digital Rights Watch.

## **2016 Advisory Council members:**

Sarah Agar	Monique Mann
Jessica Coates	Adam Molnar
Oscar Coleman	Nick Moriatis
Hayley Conway	George Newhouse
Benedict Coyne	Xavier O'Halloran
Angela Daly	David Paris
Christiane Gillespie-Jones	Soung Takayama
Jon Lawrence	Kim Weatherall
Tama Leaver	Asher Wolf

## **Special thanks go to:**

Andrew Bartlett	TJ McIntyre
Paul Bernal	Katie Miller
Benedetta Brevini	Giordano Nanni
Julian Burnside	Dan Nolan
Leslie Cannold	Carly Nyst
Melissa Castan	Leanne O'Donnell
Justin Clacherty	Deji Bryce Olukotun
James Clark	Dianne Otto
Steph Cousins	Darren Palmer
Cade Diehm	Christopher Parsons
Robin Doherty	Liam Pomfret
Suelette Dreyfus	Jenna Price
Tracey Dunning	Melanie Pzooole
Ben Eltham	Gautam Raju
Paul Farrell	Helen Razer
Simon Frew	Ellie Rennie
Kate Galloway	Matthew Rimmer
Rebecca Giblin	Jennifer Robinson
Kristoffer Greaves	Felicity Ruby
Sarah Hanson-Young	Nic Seton
Ben Harris-Roxas	Aim Simpeng
James Horton	Jack Skinner
Emily Howie	Brett Solomon
Trisha Jha	Rob Sparrow
Thomas Kane	Tom Sulston
Bernard Keane	Julian Thomas
Ged Kearney	Peter Tonoli
Steve King	Ariadne Vromen
Mary Kostakidis	Mark Walkom
Ben Landau	Trent Yarwood
Archie Law	Monika Zalnieriute
John Lindsay	Nick Xenophon
Antony Loewenstein	
Scott Ludlam	
Michael Malone	





**DIGITAL RIGHTS ARE  
HUMAN RIGHTS  
WHICH SEE  
THEIR EXPRESSION  
ONLINE.**



# YEAR ONE: AN OVERVIEW

In our inaugural year of operations, we set some high goals around increasing awareness of key privacy and digital rights issues.

## What we achieved in 2016:

### February

- **Digital Rights Watch formed** as a non-profit incorporated association

### March

- **Inaugural AGM** held in Melbourne
- **Publicly launched Digital Rights Watch**
- Launched **public campaign to protect access** to the internet
- Engaged with **Government and key MPs** interested in digital rights

### April

- Presented at **RightsCon** event in California

### May

- Partnered with Deakin University School of Criminology to host **panel discussion on privacy**
- Spoke at **Next Wave Festival** event 'Only truth: a symposium on Internet privacy'

### June

- Provided formal submission to **Productivity Commission's inquiry into intellectual property**
- Joined global **#KeepItOn campaign** against internet shutdowns
- Launched digital rights scorecard for **2016 Federal Election**
- Pushed Australian Government to sign on to **UN Human Rights Council declaration** strengthening protections for freedom of expression, the right to privacy, and other human rights online.
- Published **Tools and Guides** section of website
- Responded to calls for a standalone **Digital Rights Commissioner** under the Australian Human Rights Commission

### July

- Secured joint funding for **short-term research fellow**, in collaboration with a US video technology organisation
- Presented on a panel at **GOMA Talks** on gendered abuse online, broadcast by ABC RN Big Ideas

### August

- Signed on to open letter on **reforms to copyright**
- Confirmed **national charity** status with ACNC
- Placed opinion editorial on **privacy concerns in Census 2016**

# SOME OF OUR NUMBERS

## Members

63

Formal members of the national charity

## Supporters

414

Individuals who have taken action with us

## Subscribers

523

People who have subscribed to our email list

## Followers

1146

Social media followers (Twitter + Facebook)

## Media reach

2.6m

Combined audience reach through media stories

### September

- Launched public advocacy campaign in response to **privacy concerns in Census 2016**
- Published **Watchlist: Encryption**
- Published **Watchlist: Copyright Reform**
- Provided submission to the **United Kingdom's UN Universal Periodic Review**
- Published **Watchlist: Free Online Services**
- Responded to proposed changes to **Privacy Act**
- Provided formal submission to **Senate Inquiry into Census 2016**

### October

- Responded to introduction of **mandatory data breach notification** scheme
- Published **Watchlist: Algorithms and Big Data**
- Provided formal submission to **UN inquiry** into freedom of expression in telecommunications and the internet
- Spoke at **auIGF** event on digital rights and online privacy
- Published **Watchlist: Data Brokers**
- Spoke at **Australian Council for International Development** conference about online privacy

### November

- Launched **Lush #KeepItOn Bath Bomb** campaign
- Responded to media stories on the **offshoring of consumer data**
- Attended **CampaignCon** digital engagement event in Barcelona

### December

- Held **end of year policy update** via video link with Dr Monique Mann and Dr Angela Daly
- Supported **Snitch Hunt** event in Melbourne
- Spoke at **Internet Governance Forum** in Mexico
- Responded to Federal Court ruling on **site-blocking legislation**
- Participated in consultations on the proposed **Trusted Digital Identity Framework**

# WORKING IN PARTNERSHIP

**A big part of the Digital Rights Watch strategy has always been to partner with like-minded organisations wherever possible.**

## **Privacy and the Law**

In May, we partnered with the Deakin University School of Criminology to host a panel event exploring the legality of invasions of privacy by nation states. This panel explored how laws protect the privacy of Australians against mass surveillance, including whether or not Australia's Privacy Act is a meaningful safeguard.

## **Keep It On**

In July, Digital Rights Watch joined with nearly 70 organizations from five continents, launched the #KeepItOn campaign to fight internet shutdowns worldwide.

The #KeepItOn campaign aims to bring together stakeholders from across the globe, from governments to telcos to tech companies to everyday internet users. Among other targets, the campaign challenges service providers to fight back against government shutdown requests; highlights the use of shutdowns during elections; and builds consensus at the U.N. and other intergovernmental organizations that people have a basic right to access information and speak freely online.

## **#CensusFail**

In the lead-up to the 2016 Census, Digital Rights Watch raised concerns around the Australian Bureau of Statistics' choice to make mandatory the collection, retention and protection of citizen's names and addresses.

After the repeated failure of the Census website on actual Census night, we coordinated and published an open letter featuring several privacy organisations and activists, calling for a public inquiry to take place. The Australian Senate heard that call and established an inquiry into the 2016 Census.

## **Digital Rights in the Development Sector**

In October, we partnered with ActionAid Australia, Amnesty International Australia, Human Rights Law Centre and the Guardian Australia to host a panel discussion at the ACFID conference.

This session discussed how surveillance, privacy, data security and transparency relate to activists, campaigners, aid workers and humanitarians in the international development sector.



## Some of our media output

Smartphone

### Civil libertarians raise privacy concerns over Amazon's smart supermarket

Rod Chester, National technology writer, News Corp Australia Network  
December 16, 2016 10:00pm  
Subscriber only

WITH the launch of the first "grab and go" supermarket that ditches check-outs completely, civil libertarians warn the cost of convenience could be too great with smart cameras that scan people's faces and skin tones to track and record every purchase.



HOME PROGRAMS LISTEN PODCASTS WEB POLL PROMOTIONS PARLIA

#### The census was an 'immense failure of management' that lacked basic planning: Digital Rights Watch

Duration: 05:57  
First posted 10/08/2016 15:26:56  
Download audio



They're still often more expensive overseas than in Australia. [The Australian Government has just released](#) the Productivity Commission's [report into Australia's Intellectual Property Arrangements](#).

It's a move that appears to have been designed to avoid some of the controversy of the copyright wars by releasing the report just before most Australians settle into their summer break.

The report does something that is very difficult in copyright debates: it sets out a rigorous, evidence-based case for reform. [Academics have](#)

SAVE PRINT LICENSE ARTICLE

COMMENT AUGUST 5 2016

### The census is too important to boycott, despite serious privacy concerns

Tim Singleton Norton

f SHARE t TWEET e MORE

One of Australia's richest sources of statistical data has had both its reputation and trust destroyed by the decision to retain name and address data – a decision made with little consultation and with no regard to the ramifications for individual's right to privacy. But does this warrant an overall boycott of the census?

In censuses past, it was optional for people to allow the Australian Bureau of Statistics to retain their name and address when completing the census. The ABS recently made the change to retain name and address data from 18 months to four years, with no public process.

newmatilda.com

#### Digital Rights: A New Lobby Group Uniting Greenies And The IPA

By Max Chalmers on March 14, 2016

Civil Society



## POLICY AND ADVOCACY

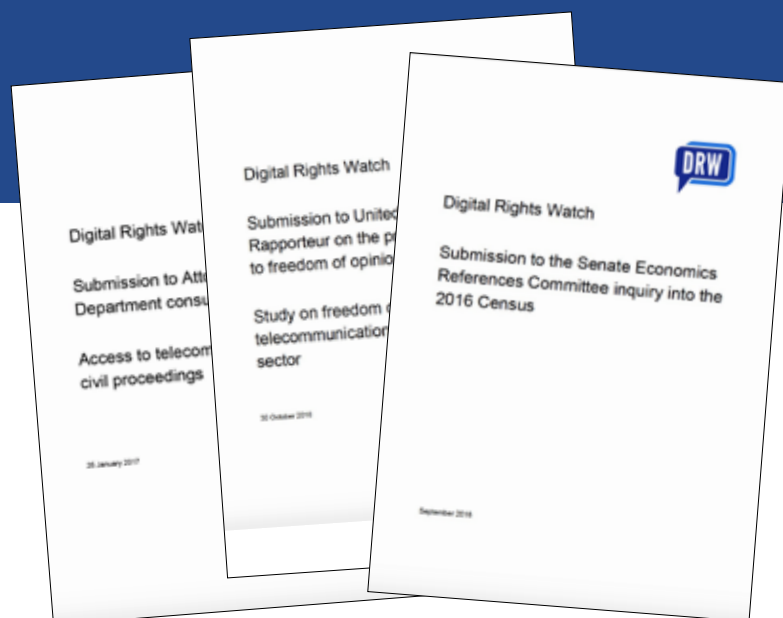
We've focused on providing researched evidence to inquiries, reviews, forums and Ministerial offices on a number of key digital rights issues.

### Submissions

- **Productivity Commission** - public inquiry into intellectual property
- **UN Special Rapporteur on the protection of the right to freedom of opinion and expression**
  - study on freedom of expression in the telecommunications and Internet access sector
- **UN Human Rights Council** - United Kingdom Universal Periodic Review
- **Senate Economics References Committee** - inquiry into the 2016 Census

### Public and open letters

- Signed on to open letter on **reforms to copyright**
- Coordinated open letter on **privacy issues in relation to the 2016 Census**
- Signed on to open letter on **UN Human Rights Council resolution on digital rights**



### Lobbying and briefings

- **Foreign Minister** on UN Human Rights Council resolution on digital rights
- **Prime Minister** on privacy issues in relation to the 2016 Census
- **Minister for Communication and the Arts** on reforms to copyright
- **Digital Transformation Agency** on proposal Trusted Digital Identity Framework
- **Parliamentary Friends of the Internet group**

# TRACKING OUR PROGRESS

**Digital Rights Watch is committed to being transparent about our progress as an advocate for Australian's digital rights.**

At the start of 2016, we set ourselves some very bold goals. After one year, we aim to hold ourselves to account as to whether these goals have been achieved



**Community engagement with target audiences around Australia, with a specific focus on urban areas - power bases of progressive voters**

We have targeted our efforts towards engaging with and empowering this audience through online communications, speaking engagements and through the media



**Strong collaborative campaigning with partners and national groups to maximise the pressure**

We have reached out to and partnered with key human rights, privacy and digital rights organisations and academic institutions both domestically and internationally



**Comprehensive lobbying of key Members of Government and Parliament**

We have lobbied the Federal Government on several policy issues and have briefed key MPs on digital rights issues, however this has often been in reaction to current events and lacks sustained strategy towards changing Government attitudes towards digital rights.



**Building the economic analysis into a national inquiry about the significance of digital rights and the broader rights agenda**

We have contributed to the debate about the economic impact of digital and broader human rights through media commentary and submissions to various inquiries but this has not resulted in any specific standalone inquiry into the issues



**Possible legal action challenging government breaches of national and international laws**

While this has not been a possibility in 2016, we are in regular contact with lawyers and monitor all opportunities closely. We are well placed to participate meaningfully in any legal action should the opportunity arise.



**Online and on-ground community mobilisation around the country.**

We successfully mobilised the public to raise significant privacy concerns in relation to the 2016 Census.



# DIGITAL RIGHTS WATCH STANDS FOR PRIVACY, DEMOCRACY, FAIRNESS & FREEDOM IN A DIGITAL AGE.

We measure our success on whether we have achieved our stated goals under these four pillars:



## Pillar 1: Digital privacy

### 2016 stated goals:

- Advocate for Australia's privacy principles to protect citizens from mass surveillance, and campaign for a cessation of mass surveillance operations.
- Operate a watchdog for the rollout of the mandatory data retention scheme and lobby for enhanced judicial oversight.
- Campaign for a halt to the national facial biometric data scheme.
- Create public education resources to empower individuals, organisations and movements to actively resist attempts to weaken encryption and privacy-enhancing software.

### Progress on Pillar 1:

We have made significant progress in this area. We heavily campaigned against broad mass surveillance operations, including mandatory data retention and the need for better transparency and oversight of these operations. We utilised both privacy advocacy and public campaigning to ensure that digital rights issues were brought to the forefront of discussions.



## Pillar 2: Democratic oversight

### 2016 stated goals:

- Campaign for stronger parliamentary and democratic oversight of domestic and international surveillance agencies.
- Advocate for a properly resourced Office of the Information Commissioner.
- Lobby for increased transparency and democratic rule-making in international trade agreements that affect intellectual property and digital rights.
- Advocate for surveillance agencies to be brought under the ambit of Freedom Of Information legislation.
- Campaign for security agencies to report under Telecommunications Interception and Access reporting requirements

### Progress on Pillar 2:

We have continued a strong focus on the need for democratic oversight of surveillance agencies through both our public communications and private lobbying of Government.



## Pillar 3: Fairness

### 2016 stated goals:

- Critique and monitor the use of website-blocking legislation.
- Advocate for copyright reform on key issues including: fair use exceptions for copyright infringement to safeguard user rights and promote innovation in Australia; expanded safe harbours to promote freedom of speech and innovation; expanded, stable exceptions to digital rights management and anti-circumvention laws.

### Progress on Pillar 3:

We have consistently critiqued the use of website-blocking legislation, responding directly to the Federal Court decision to allow the process to occur. Through our submission to the Productivity Commission's Inquiry into Intellectual Property, we made very clear recommendations on the need for fair use exceptions. We raised concerns about Australia's website-blocking legislation with the UN Special Rapporteur on the protection of the right to freedom of opinion and expression. We have joined coalitions that continue to lobby for copyright reform.



## Pillar 4: Freedom

### 2016 stated goals:

- Advocate for clear, certain, and fair legal rules that govern the liability of internet intermediaries consistent with the Manila Principles on Intermediary Liability.
- Encourage national and international online intermediaries and social networking platforms to protect freedom of speech by providing adequate and effective tools to limit and address abuse on their networks.
- Operate a watchdog function to monitor how these platforms enforce their terms of service, and lobby for enhanced transparency and certainty in decision-making.

### Progress on Pillar 4:

This pillar requires significant work to be undertaken in order to be tracked as progressed. We have raised the issues listed here in a number of private forums, including in our briefing to the UN Special Rapporteur on the protection of the right to freedom of opinion and expression but have not translated this effectively into public-facing communications that empower citizens to understand their rights.

# ORGANISATIONAL SUSTAINABILITY

Our planned timeline of activities for 2016 included a focus on ensuring the long-term sustainability of Digital Rights Watch as an organisation. Whilst we did not meet our funding target and therefore failed to meet our staffing requirements, we did make significant progress in all other organisational areas.



## Q1 2016

Governance structure of org, strategic plan, members, supporting orgs, develop brand & mission, seed funding pitches commence, launch public brand

**Progress: achieved**



## Q2 2016

Core funding and staff secured, research & policy development underway, first public campaign action launched

**Progress: partly achieved (full staffing not secured)**



## Q3 2016

Coordinate high-exposure joint campaign action with partners, alongside high-media attention policy report and event

**Progress: achieved**



## Q4 2016

Continue to build capacity within sector, recruit new organisations and individuals to cause and increase public awareness around issues

**Progress: achieved**

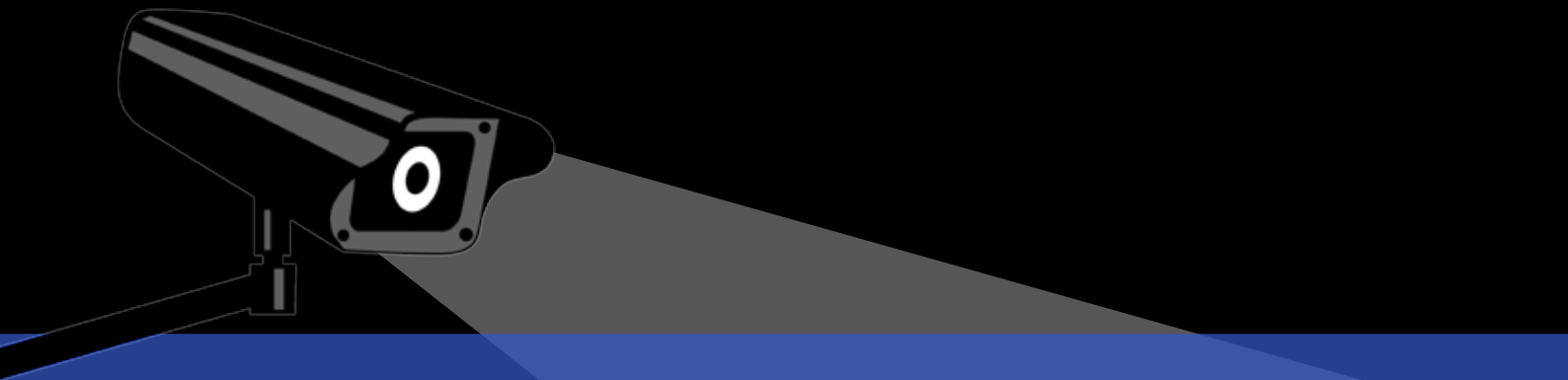




## LOOKING AHEAD TO 2017

Having established Digital Rights Watch as an effective campaigning organisation for digital rights in Australia, we have set some key objectives to be achieved in 2017:

- **Strategic focus on financial sustainability for Digital Rights Watch**
- **Explore legal action to challenge mandatory data retention regime**
- **Operate a watchdog on social media platforms ability to protect freedom of speech**
- **Expand our outreach operations to reach more audiences and empower them to understand and protect their digital rights**
- **Work with local and global partners to create educational resources for Australian markets**
- **Provide regular public policy updates**
- **Create a forum that helps coordinate the work of digital rights advocates in Australia.**



**“THERE WILL COME A TIME WHEN IT ISN'T  
'THEY'RE SPYING ON ME THROUGH MY PHONE'  
ANYMORE. EVENTUALLY, IT WILL BE 'MY  
PHONE IS SPYING ON ME'.”**

**- PHILIP K. DICK**