

DIGITAL RIGHTS WATCH



Annual Report 2017

OUR YEAR IN REVIEW

“WHAT THE WORLD NEEDS IS NOT MORE STATE-SPONSORED SHENANIGANS ON THE INTERNET BUT RATIONAL, CIVILISED AGREEMENT ABOUT APPROPRIATE STATE BEHAVIOUR IN CYBERSPACE.”

**- JOSEPH CANNATACI
UNITED NATIONS SPECIAL
RAPPORTEUR ON THE RIGHT TO PRIVACY**

Update from the Chair:

2017 was a long year - for most working in the human rights sector, but particularly for digital rights.

In our second year of operations, we launched a national awareness project in our 'Get a VPN Day' to draw attention to the introduction of Australia's mandatory metadata retention scheme, ran events at festivals, universities and institutions and made several detailed submissions to both domestic and international bodies on key digital rights issues.

The continued operation of the mandatory metadata retention scheme became the focus of our work as part of the Melbourne Writers Festival, where we put Professor Gillian Triggs' personal metadata footprint on display for all to see.

The fight to save encryption looks to become our battleground for the year ahead, with the Australian Government determined to push ahead into a very worrying area of law enforcement that threatens to destroy the viability of encrypted technology for all of society. Rest assured that Digital Rights Watch will continue to hold the line against this.

We were also sad that 2017 saw the departure from the Australian Senate of Senator Scott Ludlam, a tireless advocate for digital rights and privacy.

There is still much to be done to ensure that there is an understanding, respect and willingness to act when it comes to digital rights in Australia, but we're committed to continuing that work, in partnership with others in the human rights space.

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 2017 board members:

Tim Singleton Norton (chair)
Nicolas Suzor (deputy chair)
Amy Gray (secretary)
Lizzie O'Shea
Angela Daly
Serina McDuff
Rick Chenn
Tom Sulston
Vanessa Toholka

Volunteers:

Erin Farley - Media
Elise Thomas - Policy

Special thanks go to:

Steph Cousins	Scott Ludlam
Lisa Dempster	Katie Miller
Cade Diehm	Giordano Nanni
Robin Doherty	Leanne O'Donnell
Suelette Dreyfus	Deji Bryce Olukotun
Gerard Goggins	Liam Pomfret
Emily Howie	Melanie Poole
Lyndsey Jackson	Matthew Rimmer
Sarah Jansen	Felicity Ruby
Bernard Keane	Brett Solomon
Mary Kostakidis	Gillian Triggs
Ben Landau	Nathan White
Archie Law	Ariadne Vromen

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.

2017 Advisory Council members:

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

Digital Rights Watch Inc. is an Australian National Charity registered with the Australian Charities and Non-Profits Commission.

ABN: 90509129914

Digital Rights Watch is a member of:

- Australian Digital Inclusion Alliance
- Australian Marriage Equality Alliance
- CIVICUS World Alliance for Citizen Participation
- Fair Copyright Campaign
- Global #KeepItOn campaign

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

2017: AN OVERVIEW

In our second year of operations, we continued to work towards some high goals around increasing awareness of key privacy and digital rights issues.

What we achieved in 2017:

January

- Provided evidence to the Attorney-General's review into **access to telecommunications data in civil proceedings**.
- Promoted **Fair Copyright Week**, with a focus on transparency in trade negotiations.

February

- Pushed for scrapping of mandatory metadata retention after revelations of **lack of oversight on offshoring of data**.
- Presented on 'The big issues for the internet in Australia: online content, privacy and data retention' at **ALIA Information Online 2017**.

March

- Responded to release of UN report into a **global treaty to protect internet user's right to privacy**.

April

- Launched **'Get a VPN' Day** to mark the start of Australia's mandatory metadata retention scheme.
- Responded to reports of federal police **accessing journalist's metadata** without a warrant.
- Provided evidence to the Department of Foreign Affairs and Trade's development of Australia's inaugural **International Cyber Engagement Strategy**.

May

- Co-hosted event on **Defending Digital Rights in Australia** in Brisbane
- Responded to release of **federal budget** papers.
- Joined **Fair Copyright** joint campaign.

June

- Wrote to the Attorney-General, requesting clarification on the Government's position on **law enforcement agencies accessing Australian citizens' encrypted devices**.

July

- **Campaigned to protect Net Neutrality**, in partnership with global allies.
- Responded to new legislation designed to **compel social media companies to hand over access** to user's encrypted content.

August

- Ran major event at **Melbourne Writers' Festival**, revealing Professor Gillian Triggs' personal metadata history on stage.
- Released organisational stance on **marriage equality**, amidst national postal survey.
- Responded to **social media guidelines for federal public servants** released by the government.

SOME OF OUR NUMBERS

Members 92
Formal members of the national charity

Supporters 421
Individuals who have taken action with us

Subscribers 577
People who have subscribed to our email list

Followers 2178
Social media followers (Twitter + Facebook)

Media reach 12.6m
Combined audience reach through media stories

September

- Launched a joint international campaign on **intelligence sharing operations**.
- Provided a submission to the **Council of Europe** in relation to cross-border access to electronic evidence.
- Contributed to a joint report to the UN Human Rights Committee, examining Australia's compliance with the **International Covenant on Civil and Political Rights**.
- Presented at the **International Conference of Data Protection and Privacy Commissioners** in Hong Kong on robo-debt, data retention and the war on maths.

October

- Digital Rights Watch's Chair Tim Singleton Norton received special mention as a 'hero' in the global **'Heroes and Villains' awards** for digital rights.
- Partnered with other privacy organisations to run a public forum **'Attacks on encryption'** at QUT.
- Responded to decision to provide driver's licence images to federal **National Facial Biometric Matching Capability**.
- Responded to reports of Australian supermarkets **tracking consumers with facial recognition** software.
- Lobbied New Zealand's new Minister for Communications and Government Digital Services Clare Curran on **trans-tasman digital rights** issues.

November

- Attended **CampaignCon** campaigning engagement event in Johannesburg, South Africa.
- Provided a submission to the **Review of Copyright Regulations** and the Copyright Tribunal Regulations.
- Pushed for **asylum seekers on Manus** to exercise their human rights to access the internet.
- Delivered keynote talk on digital rights at the release of the University of Sydney's report **'Digital Rights in Australia'**.
- Responded to reports of **government data breaches**.

December

- Presented at the **CIVICUS civil society conference** in Fiji on social justice issues and how the digital world will be affected.
- Responded to reports of **ACCC inquiry into digital platforms**.

WORKING IN PARTNERSHIP

Some of our media output

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

Get a VPN Day

To mark the start of a new national scheme that compels all Australian telecommunication providers to collect your metadata and provide it to your Government, we declared April 13 to be 'Get a VPN Day'.

We worked alongside other digital and civil rights organisations to call upon Australian citizens to educate themselves about the scale of this surveillance and take precautions accordingly.

Net Neutrality

Net neutrality is the basic principle that protects our free speech on the i. "Title II" of the US Communications Act is what provides the legal foundation for net neutrality and prevents internet providers slowing down and blocking websites, or charging apps and sites extra fees to reach an audience, which they then pass along to consumers. Without net neutrality, the internet will become more like Cable TV, where the content you see is what your provider puts in front of you.

We've always been a strong supporter of the global campaign to protect Net Neutrality, and we work closely with Fight for the Future and the Electronic Frontiers Foundation on this campaign.

Melbourne Writers Festival

Our Melbourne Writers' Festival event starring Former President of the Australian Human Rights Commission Professor Gillian Triggs and Former Australian Greens Senator Scott Ludlam resulted in an interesting panel discussion.

Professor Gillian Triggs gave us access to a log of mobile phone calls, emails and social media and other online interactions she made in one day, which provided enough information to reveal her home city, age details, and confidential details of upcoming speeches, board meetings and conversations.

Intelligence Sharing Operations

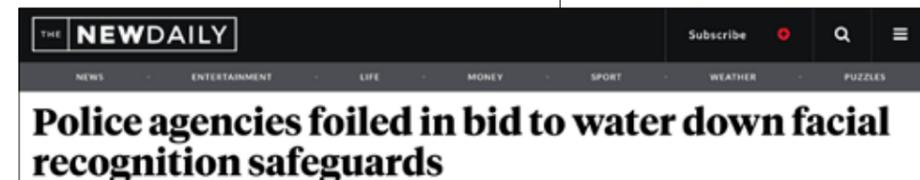
We partnered with over 30 international organisations in pushing national intelligence oversight bodies in over 40 countries, including Australia, to reveal information on the intelligence sharing activities. We wrote to these oversight bodies, calling for more transparency in the way that they operate.

UN Human Rights Council report

We joined forces with 32 other non-profits and civil society groups to produce a report to the United Nations Human Rights Committee, examining Australia's compliance with the International Covenant on Civil and Political Rights.

Attacks on Encryption

In October we partnered with QUT, Australian Privacy Foundation, FutureWise and ThoughtWorks to run an event looking at the Australian Government's intention to pursue new powers to access encrypted communications via backdoors. A panel of encryption experts, international privacy law experts, politicians, digital rights advocates, and journalists examined the social and technical consequences of these powers.



HIGHLIGHTS OF 2017

MELBOURNE WRITERS FESTIVAL

Former President of the Australian Human Rights Commission Professor Gillian Triggs gave Digital Rights Watch access to a log of mobile phone calls, emails and social media and other online interactions she made in one day as part of the Melbourne Writer's Festival event Live Hack: Understanding MetaData on Monday August 28.

Triggs joined former Senator Scott Ludlam and digital rights experts Amy Gray and Vanessa Toholka on stage to discuss how easy it is to derive sensitive facts from the digital traces we leave on the open web.

An assessment of the metadata of former President of the Australian Human Rights Commission Gillian Triggs over the course of just one day provided enough information to reveal her home city, age details, and confidential details of upcoming speeches, board meetings and conversations.





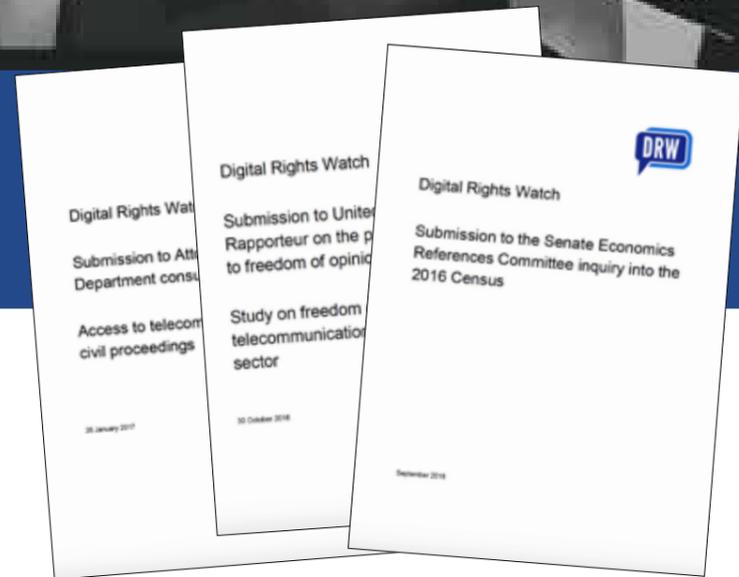
TRACKING OUR PROGRESS

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

At the start of 2017, we set ourselves some very bold goals. At the end of this year, we aim to hold ourselves to account as to whether these goals have been achieved

POLICY AND ADVOCACY

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



Submissions

- **United Nations Human Rights Committee** on Australia's compliance with the International Covenant on Civil and Political Rights.
- **Council of Europe** on how protect human rights when developing new rules on cross-border access to electronic evidence.
- **Department of Foreign Affairs and Trade** on Australia's International Cyber Engagement Strategy.
- **Attorney-General's department** on their review into access to telecommunications data in civil proceedings.
- **Department of Communications and the Arts** on their review of Copyright Regulations and the Copyright Tribunal (Procedure) Regulations.

Public and open letters

- Open letter in relation to the treatment of peaceful activists protesting United States military operations facilitated by surveillance conducted at **Australia's Pine Gap facility**.
- Joint petition from **#KeepItOn** coalition to Internet Governance Forum.
- Open letter on **Five Eyes Governments Intelligence Sharing and Oversight**

Lobbying and briefings

- **Australian Attorney-General** on law enforcement access to accessing citizen's encrypted devices.
- **New Zealand Minister for Communications and Government Digital Services** on trans-tasman digital rights issues.
- **Australian Greens Senator Scott Ludlam** on digital rights frameworks.



Strategic focus on financial sustainability for the organisation

Whilst we have made significant progress in our internal systems and capability to secure funding for the organisation, this remains a concern going forward. More work is required to ensure the organisation is financially stable.



Work with local and global partners to create educational resources for Australian markets

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



Provide regular public policy updates

We have continued to contribute to the debate about the impacts of digital rights through media commentary, submissions to various inquiries and regular communications to our supporters.



Explore legal action challenging government breaches of national and international laws

We note that the high bars Australia's legal system places on intervenors in litigation pose significant challenges for us to meaningfully engage that we are seeking to overcome.



Expand our outreach operations to reach more audiences and empower them to understand and protect their digital rights

We successfully mobilised the public to raise significant profile around government surveillance through our 'Get a VPN' Day. We also reached new audiences through our partnership with the Melbourne Writers' Festival.



Create a forum that helps coordinate the work of digital rights advocates in Australia

We continue to note the lack of a dedicated, inclusive, and diverse forum for digital rights advocates to coordinate in Australia. Without dedicated core funding, however, we have struggled to reach our goal to provide this coordinating role.

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

2017 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

2017 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

2017 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, as well as made several very clear recommendations on the need for fair use copyright exceptions. We have been active within coalitions that continue to lobby for copyright reform.



Pillar 4: Freedom

2017 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:

We have raised many of these issues in a number of private forums, and continue to advocate for stronger responsibility of social networking platforms.

**“DATA IS THE POLLUTION PROBLEM
OF THE INFORMATION AGE,
AND PROTECTING PRIVACY IS
THE ENVIRONMENTAL CHALLENGE.”**

- BRUCE SCHNEIER