

DIGITAL RIGHTS WATCH



Annual Report 2018



**“GOVERNMENT ATTEMPTS TO CONTROL
THE DIGITAL WORLD POSE AN INEVITABLE
TENSION BETWEEN TWO FUNDAMENTAL
RIGHTS: FAIR ACCESS TO THE INTERNET
AND PERSONAL RIGHTS TO PRIVACY AND
FREEDOM OF EXPRESSION.”**

- PROFESSOR GILLIAN TRIGGS

OUR PRINCIPLES

Our mission is to ensure that Australian citizens are equipped, empowered and enabled to uphold their digital rights. We believe that digital rights are human rights which see their expression online.

We are a progressive change organisation and we believe that robust digital rights are essential for society to change for the better.

We recognise that individuals alone cannot bear the onus for protecting their rights and privacy. A healthy digital future will be built on strong regulation both of government and corporations. This regulation must be grounded in a respect for our fundamental human rights.

We recognise that the technology industry has failed to represent the best interests of historically-marginalised people. We are taking positive steps to address this failing, including a strict quota of non-male board members. We will include more diverse intersections as we grow.

We note that the digital debate in Australia is dominated by large technology companies, who are also heavily lobbying our government. We act as a counterbalance to this laissez-faire capitalist world-view.

We are non-partisan and will work across the political spectrum to achieve our vision of a fair digital society for all Australians.

As the Internet is global in nature, so is our understanding of the issues. We partner with like-minded sister organisations across the globe.

OUR YEAR IN REVIEW

Update from the Chair:

The relentless attacks on fundamental rights of privacy and freedom online through 2018 has shown that an Australian digital rights watchdog is so necessary.

The fight for encrypted communications was a major point of work for us, with the introduction of the Assistance and Access Bill. In response, we built alliances across civil society, human rights activists, telecommunication providers and industry. Ignoring the widespread criticisms of the Bill from all walks of life, both major parties pushed through these deeply flawed laws with very little change.

Despite this, we have seen some big positives. We welcomed the introduction of Australia's data breach notification scheme. We lobbied the government to acknowledge privacy concerns amidst the My Health Record system, resulting in a backdown from the Health Minister.

Our flagship State of Digital Rights report brought together experts in a range of fields to produce a comprehensive list of the many ways that Australians' rights are being eroded online.

We're extremely grateful for the support of many other organisations, individuals and networks, with whom we have enjoyed working collaboratively.

In 2019, we are preparing to have an even bigger impact on digital rights - largely in part to the support of Australian Progress Labs, who have helped us hone our vision and plan for the future.

Tim Singleton Norton
Chair - Digital Rights Watch

OUR PEOPLE



Digital Rights Watch 2018 board members:

Tim Singleton Norton (chair)
Nicolas Suzor (deputy chair)
Lizzie O'Shea (secretary)
Angela Daly
Serina McDuff
David Paris
Roselina Press
Sam de Silva
Tom Sulston
Vanessa Toholka

Volunteers:

Erin Farley - Media
Elise Thomas - Policy

Digital Rights Watch acknowledges the traditional owners of country throughout Australia and their continuing connection to land and community. We acknowledge the Aboriginal and Torres Strait Islander People as the true custodians of this land that was never ceded and pay our respects to their cultures, and to elders past, present and emerging.

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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:

- Alliance for a Safe and Secure Internet
- Australian Digital Inclusion Alliance
- Australian Progress Labs
- CIVICUS World Alliance
- Hands Off Our Charities Alliance
- Fair Copyright Campaign
- #KeepItOn campaign

Digital Rights Watch is extremely grateful to the people who support our work

Special thanks go to:

Kirsty Albion
Justin Clacherty
Tamsin Clarke
Benedict Coyne
Elise Dalley
Hugh de Kretser
Robin Doherty
Suelette Dreyfus
Alison Gibbins
Amy Gray
Gerard Goggins
Gareth Hanley
Lyndsey Jackson
Kate Linton
Scott Ludlam
Katie Miller
Monique Mann
Nick Moraitis
Angus Murray

Giordano Nanni
George Newhouse
Leanne O'Donnell
Deji Bryce Olukotun
Paul Oosting
Claire O'Rourke
Kylie Pappalardo
Liam Pomfret
Melanie Poole
Matthew Rimmer
Felicity Ruby
Ed Santow
Brett Solomon
Gillian Terzis
Amanda Third
Gillian Triggs
Nathan White
Asher Wolf
Ariadne Vromen
Ian Warren

2018: AN OVERVIEW

We had some major highlights in our work on privacy and digital rights issues.

What we achieved in 2018:

January

- Worked with Access Now to produce a policy briefing paper on **the importance of encryption in Australia**.

February

- Welcomed the **start of Australia's mandatory data breach notification scheme**.
- Provided joint evidence to the Joint Committee on Law Enforcement **Inquiry into new Information Communication Technologies** and the challenges facing law enforcement agencies.
- Supported activities as part in **Safer Internet Day**.
- Provided evidence to the Senate Environment and Communications Legislation Committee inquiry into the **Copyright Amendment Bill**.
- Provided evidence to the Parliamentary Joint Committee review of the **National Security Legislation** (Espionage and Foreign Interference).

March

- Provided evidence to the Department of Communication and the Arts' consultation into **copyright modernisation**.
- Published article in **New York Times** on human rights implications of Cambridge Analytica breach.
- Published article in **Crikey** on Cambridge Analytica.
- Published article in **Green Agenda** on Cambridge Analytica.

April

- Supported the **Internet Freedom Hack** events across Australia.
- Worked with 40 international NGOs to identify alarming weaknesses in the oversight arrangements of **intelligence sharing between nation states**.
- Published article in **Guardian** on ethics and morality in technology.
- Provided evidence to the UN High Commissioner for Human Rights inquiry into the **right to privacy in the digital age**.

May

- Released the **State of Digital Rights** report, outlining the many ways Australians' rights are being impacted by the activities of private companies and governments in the online world.
- Held **Live Hack: Melbourne** event as part of Melbourne Knowledge Week.

June

- Published article in **Crikey** on government attempts to break encryption.

July

- Formed a **civil society alliance** to work together on encryption issues, particularly the Assistance and Access Bill.

SOME OF OUR NUMBERS

Members 135
Formal members of the organisation

Supporters 16,704
Individuals who have taken action with us

Donors 309
People who have financially supported us

Followers 4688
Social media followers (Twitter + Facebook)

Media reach 15.3m
Combined audience reach

- Supported **Australian Human Rights Commission** inquiry into how technology is impacting on human rights.
- Published article in **Saturday Paper** on the human rights implications of the My Health Record system.

August

- Coordinated joint civil society submission to the **Department of Home Affairs** consultation into the Assistance and Access Bill.
- Joined over 100 organisations in appealing to **G20 leaders** to bring human rights to the centre of our digital future.
- Published article in **Right Now** on government attempts to break encryption.
- Advocated for activist **Chelsea Manning** to be provided entry into Australia to speak at events.

September

- Released satirical video with **Juice Media** to educate Australian public about importance of encryption.
- Supported **more than 14,000 Australian citizens** to make their own submissions to the Department of Home Affairs' consultation into the Assistance and Access Bill.
- Published article in **New York Times** on government attempts to break encryption.
- Formed the **Alliance for a Safe and Secure Internet**.

- Published article in **Overland** on government attempts to break encryption.

October

- Gave evidence to the **Joint Parliamentary Committee on Intelligence and Security** inquiry into the Assistance and Access Bill.
- Highlighted the **cyber risks of foreign nation state actors** targeting critical cyber systems and infrastructure.

November

- Provided evidence to the **Joint Committee on Electoral Matters** inquiry into the cyber manipulation of elections.
- Welcomed news that, due to widespread privacy concerns, the Government extended the opt-out period of the **My Health Record** system.
- Worked with **ABC 730** on a special broadcast focused on the digital profiling and targeting that Australian political parties undertake on voters and citizens.

December

- Published article in **The Age** on government attempts to break encryption.

WORKING IN PARTNERSHIP

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

Defending Encryption

In advocating against the government's attempts to break encryption protocols and violate the privacy rights of Australian citizens, we banded together with a coalition of Australian and International organisations to make detailed submissions and provide evidence to various government inquiries.

We also steered an unprecedented alliance of tech companies, telecommunication providers and human rights groups to advise, educate and lobby political representatives in Canberra.

Transparency in Intelligence Sharing

We partnered with over 40 international organisations in pushing national intelligence oversight bodies in 42 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.

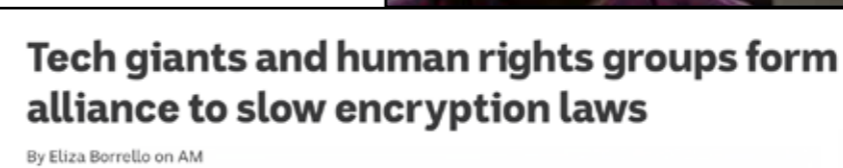
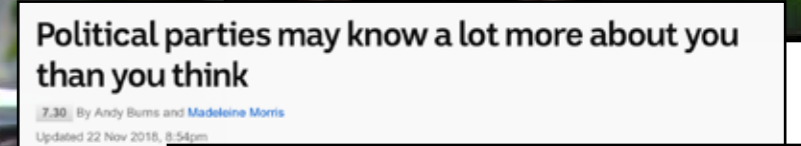
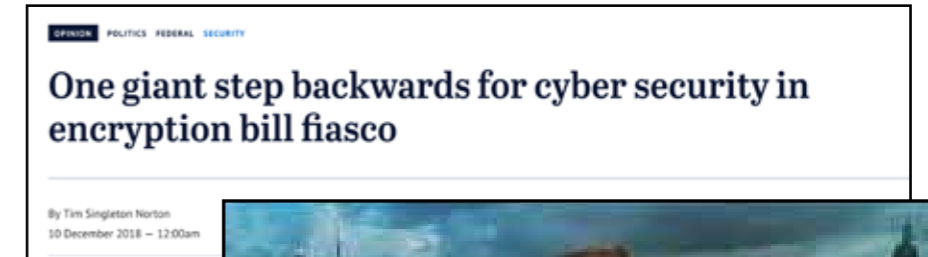
State of Digital Rights

In May we released our inaugural flagship report - the State of Digital Rights. This was a collaborative effort with many other international and Australian non-profits, academics and human rights experts, and outlines the many ways Australians' rights are being impacted by the activities of private companies and governments in the online world. We'll use this report as a cornerstone of our work to support, enhance and promote the necessary debate on digital rights in this country, analysing the key digital rights issues facing Australians today, and making clear recommendations for policy makers to adopt.

Internet Freedom Hack

We were proud to support the Internet Freedom Hack in 2018, with events in Melbourne and Brisbane. This fantastic community event brings together technologists with a passion for digital rights for a weekend to build things that advance the cause of internet freedom.

MEDIA OUTPUT



HIGHLIGHTS OF 2018

STATE OF DIGITAL RIGHTS

We were proud to release the State of Digital Rights report this year, which outlines the many ways Australians' rights are being impacted by the activities of private companies and governments in the online world.

The State of Digital Rights aims to support, enhance and promote the necessary debate, through analysing the key digital rights issues facing Australians today, and making clear recommendations for policy makers to adopt.

Key recommendations included in the State of Digital Rights include:

- Repeal of the mandatory metadata retention scheme.
- Introduction of a Commonwealth statutory civil cause of action for serious invasions of privacy.
- A complete cessation of commercial espionage conducted by the Australian Signals Directorate.
- Changes to copyright laws so they are flexible, transparent and provide due process to users.
- Support for nation states to uphold the United Nations Convention on the Rights of the Child in the digital age.



**FIGHT
FOR YOUR
DIGITAL
RIGHTS!**

netzpolitik.org

HIGHLIGHTS OF 2018

THE FIGHT FOR ENCRYPTION

The movement to defend encryption was huge - there's no question of that - but it didn't start that way. We began the year working alongside our partners Access Now to educate politicians about the importance of strong encryption, with the release of a detailed briefing paper.

An alliance of civil society organisations, human rights activists, industry representatives and tech experts was formed, and we worked collaboratively to ensure that the Australian public were well informed on the risks of the government's proposed Assistance and Access Bill.

We released a satirical video with Juice Media, resulting in nearly 15,000 people writing the government about their concerns. We spoke out in the media, detailed the many ways that the legislation was deeply flawed. We gave evidence to both the Home Affairs consultation and the Parliamentary inquiry looking at the detail.

In the end, unfortunately, the politics of the day won out, and on the very last sitting day of Parliament, both Labor and the Government rammed the encryption powers through the Parliament with none of the changes recommended by us, industry or the public.



IMAGES:
Main: Screenshot from Juice Media video

Opposite page: Social media produced to empower Australian citizens to join campaign

Left: Angus Murray, Dr Suelette Dreyfus and Justin Clacherty appear before the Parliamentary Joint Committee on Intelligence and Security, to outline civil society concerns with the Assistance and Access Bill.



POLICY AND ADVOCACY

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

Submissions

- **Joint Committee on Law Enforcement** Inquiry into new Information Communication Technologies and the challenges facing law enforcement agencies.
- **Joint Committee on Electoral Matters** inquiry into the cyber manipulation of elections.
- Department of Home Affairs' consultation into the Assistance and Access Bill.
- **UN High Commissioner for Human Rights** inquiry into the right to privacy in the digital age.
- **Department of Communication and the Arts** consultation into copyright modernisation.
- **Senate Environment and Communications Legislation Committee** inquiry into the Copyright Amendment (Service Providers) Bill.

- **Parliamentary Joint Committee** review of the National Security Legislation Amendment (Espionage and Foreign Interference) Bill.
- **Joint Parliamentary Committee on Intelligence and Security** inquiry into the Assistance and Access Bill.

Reports

- **Encryption in Australia** briefing paper.
- **Intelligence Sharing operations** report.
- **State of Digital Rights** report.

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 2018, 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



Strategic focus on financial sustainability for the organisation

In our third year of operations we are starting to make significant traction to ensure that our organisation can financially support our activities. Through securing several grants and a successful fundraising strategy, we hope to continue this trend to enable us to hire fulltime staff and grow our influence.



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 the release of key reports.



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 in reaction to government attempts to break encryption protocols, resulting in more than 14,000 members of the public making submissions to a departmental inquiry.



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

2018 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 attempts to weaken encryption protocols, including reaching more than 2 million people through our video, and mobilising more than 14,000 people to write to the government to voice their concerns. We also continue to campaign for Australian political parties to be beholden to the Privacy Act.



Pillar 2: Democratic oversight

2018 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. This includes working collaboratively with global partners on increased transparency of intelligence sharing operations.



Pillar 3: Fairness

2018 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

2018 stated goals:

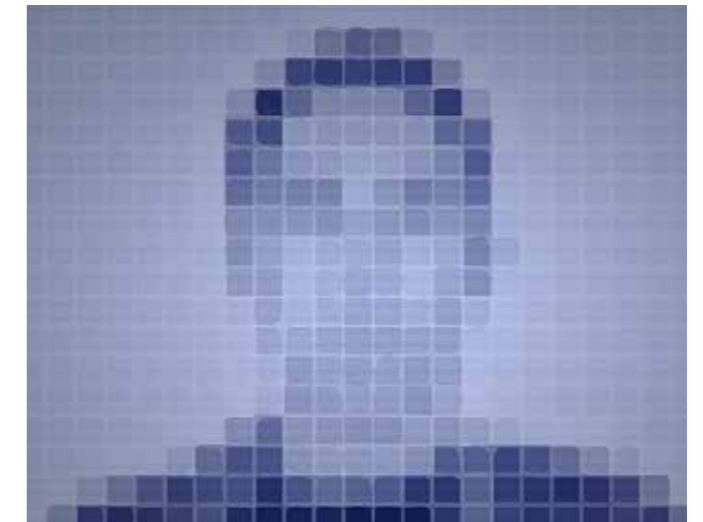
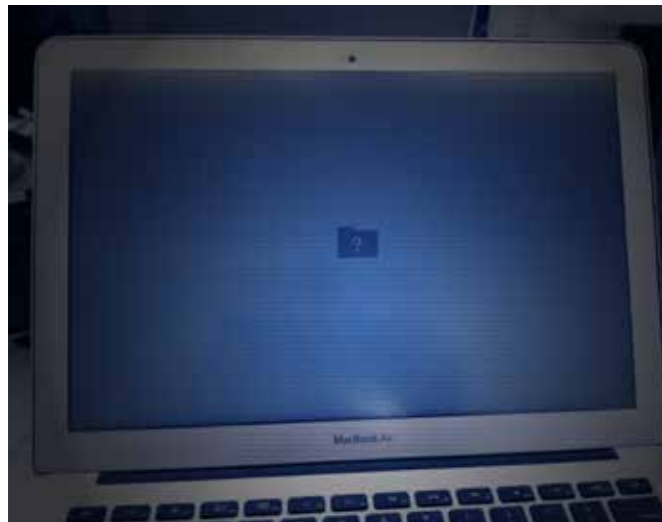
- Advocate for clear, certain, and fair legal rules that govern the liability of internet intermediaries consistent with the Manila Principles on Intermediary Liability.
- Encourage national and international online intermediaries and social networking platforms to protect freedom of speech by providing 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. In particular, we focused heavily on corporate responsibility in the wake of the revelations created through the Cambridge Analytica data breach.

OUR PRIORITIES FOR 2019

Digital Rights Watch continues to evolve to take into account the changing nature of human rights and technology. As such, we have undertaken a substantive review of our aims and goals, with the support of the Australian Progress Labs initiative, and updated our 2019 goals:



Ethical Corporations

2019 goals:

- Advocate for an independently audited accreditation scheme to keep data-holding companies accountable and transparent.
- Push for changes to the Australian Privacy Act to apply it to political representatives, parties and their staff.
- Work with social media companies to ensure that their data handling practices are made transparent.

Good Digital Government

2019 goals:

- Work to ensure that wherever possible, government algorithms are open-source and available to public oversight and scrutiny.
- Ensure that best practices for data security, protection and retention are adopted in at least two additional federal government departments.

Rights-enabled Legal System

2019 goals:

- Develop avenues for individuals to seek legal redress of online rights abuses.
- Support the campaign for an Australian federal charter of rights and ensure that it includes digital rights protections.
- Advocate for federal rights-eroding legislation to be defeated or repealed.

Empowered Citizens

2019 goals:

- Educate Australian citizens so they acknowledge, understand and demand digital rights protections from industry and government providers.
- Work with schools to ensure that digital rights understanding is incorporated into curriculum and lesson plans.

FINANCIALS

Profit and Loss

Digital Rights Watch Inc.
For the year ended 30 June 2018

	2018
Trading Income	
Donations	1,073.94
Grants	15,725.00
Interest Income	101.23
Merch Sales	15.12
Other Revenue	2.25
Total Trading Income	16,917.54
Gross Profit	16,917.54
Operating Expenses	
Advertising	500.00
Bank Fees	8.00
Conferences	275.00
Consulting & Accounting	400.00
Registration fees	56.90
Travel - International	650.00
Travel - National	325.00
Total Operating Expenses	2,214.90
Net Profit	14,702.64

Balance Sheet

Digital Rights Watch Inc.
As at 30 June 2018

	30 JUN 2018
Assets	
Bank	
Digital Rights Watch Inc	14,646.84
Total Bank	14,646.84
Total Assets	14,646.84
Net Assets	14,646.84
Equity	
Current Year Earnings	14,702.64
Retained Earnings	(55.80)
Total Equity	14,646.84

**“FOR PEOPLE WHO WANT TO MAKE SURE
THE WEB SERVES HUMANITY, WE HAVE TO
CONCERN OURSELVES WITH WHAT PEOPLE
ARE BUILDING ON TOP OF IT.”**

- TIM BERNERS-LEE