

***THE COMMITTEE ON INTERNET RIGHTS AND DUTIES OF ITALY'S CHAMBER OF DEPUTIES AND THE COMMITTEE OF DELIBERATION AND PROPOSAL ON RIGHTS AND FREEDOMS IN THE DIGITAL AGE OF THE NATIONAL ASSEMBLY OF FRANCE JOINTLY DECLARE AS FOLLOWS:***

The Internet has become an indispensable technology for the economic, social and cultural development of our democratic societies. As such, it must be considered a common good that may not be subject to appropriation by private or public parties, and must remain in the service of individual persons. Our two committees therefore believe it is appropriate to affirm at an international level the concept of the Internet as a global common good.

Our committees recognise that the freedoms and fundamental rights of all persons enshrined in international instruments -- with particular regard to the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights and Fundamental Freedoms, and national constitutions and laws -- extend also to the Internet.

The committees believe that the right of access to the Internet today constitutes a fundamental right that facilitates the exercise of other fundamental rights, notably the freedom of expression, the right to inform and be informed, the freedom of enterprise and innovation, and the freedom of association.

The committees look forward to the express recognition at the highest level of legislation of the principle of net neutrality, which is a necessary precondition for the effective exercise of freedom in the digital age.

In the coming years of rapid growth in the use of personal data, the European Union and national legislative bodies will have to strengthen the protection of fundamental rights in respect of the use of personal data for industrial and commercial purposes, and enhance individuals' control over their personal data. The committees look forward to the recognition of the right of individuals to informational self-determination enabling each and every one to decide on the disclosure of and control over the use of their data, so that they may freely achieve self-realisation in the digital universe.

Personal data must be protected to ensure respect for the dignity and privacy of each individual. Personal data must be processed according to the principles of necessity, purpose, relevance and proportionality. No personal data may be gathered or processed without the informed consent of the person involved.

Our committees jointly affirm certain principles: the right of access of all individuals to their own personal data and to demand its rectification or deletion; the right of all individuals to know why and how data concerning them is being processed; and the right

to surrender only such information as is strictly necessary in law, or required for the provision of goods and services on the Internet.

Our committees declare that no judicial or administrative measure, and no act or decision that significantly affects an individual may be based solely on the automated processing of personal data for the profiling of individuals or for determining their personality.

The use of algorithms and probabilistic techniques must be made known to the individuals who, in all cases, must be able to object to the creation and dissemination of profiles that refer to them. Particular attention must be paid to the risks connected with processes of customisation, especially the risks of discrimination, manipulation and of violation of the right to cultural diversity and freedom of opinion.

Our committees believe that the needs of national security and public order must be reconciled with the need to safeguard the rights and freedoms of citizens. The committees reiterate that any data processing that indiscriminately monitors citizens for the purpose of detecting possible threats or suspicious acts constitutes an abuse and should be penalised. To respect fundamental rights and freedoms, strong constraints must be placed on the nature, quantity and duration of data and metadata, on its retention and on the manner in which it may be accessed.

Our committees believe that the right to be forgotten as recognised in European case law must be reaffirmed and properly spelled out in order to preserve the right to information and protect the freedom of expression.

Our committees reaffirm that the secrecy of correspondence is a principle that should apply also to communications over the Internet, and endorse the right of individuals to publish content on the Internet under a pseudonym or anonymously so that they may exercise their civil and political freedoms, without suffering discrimination or censorship. The freedom to develop and use anonymising and encryption technologies is a necessary and substantive condition for the exercise of this right. The secrecy of communications and anonymity may be removed only by a reasoned judicial decision that can be appealed in public court through a fair hearing based on adversarial debate.

Our two committees call for the strengthening of the rights and protections of individuals with respect to Internet platforms and, in particular, the right of individuals to obtain clear and simplified explanations of how the platforms function. Without detriment to the principles of competition and innovation, platforms should also offer an adequate standard of interoperability with other platforms in respect of key technologies, functions

and data. Our committees contend that the rules of pluralism and competition should apply also to the digital universe so as to prevent risks of concentration and punish any abuses of dominant positions that some parties might commit, in particular through the use of classifying algorithms.

Our two committees believe that public or private parties that collect or process personal data or perform computational activities that may affect the privacy of individuals should be required to give account of their activities, demonstrate their respect for individual rights, and must be liable to monitoring by independent third parties and sanctioned in the event of non-compliance with these requirements.

Finally, our committees reaffirm that education in the use of digital communications is essential to ensure that everyone has the right of Internet access and that individual freedoms are protected. We declare that everyone has the right to acquire the ability to use the Internet in a responsible and informed manner.

The committees ask that legal recognition be given to the commons of culture and knowledge, including, for example, digital version of works in the public domain and non-appropriable assets such as ideas and facts.

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