

InformatiCALL

Call on Governments and Society about Information Technology products, activities and services of the Information and Knowledge Society



Reasoning and context:

In the Information and Knowledge Society, **Information Technology (IT) products, activities and services are an integral part of every human activity as well as in the familiar, corporate, administrative and social fields.** Additionally, the amount of this IT component is not only important nowadays, but it is increasing day by day.

Currently, the governments are developing multiple initiatives for the development of information technologies, with the major objective of boosting the exploitation of IT for job creation and economic growth.

Citizens and business are witnesses of the boom of a huge number of IT products, activities and services, especially those that use the Internet and mobile computing, with **confusing and incomplete terms of use.** Indeed in many ways to a significant renunciation over their own data and contents, and which do not specify many terms and conditions in several aspects and eventualities that would be unthinkable in the scope of the physical world. In general **they can lead to abuses, legal uncertainty of people and companies, and helplessness.**

Society is witnessing and discovering through the media **multiple events of malicious or inadequate use of IT**, with the following being of great relevance:

- With **IT security**, especially on the Internet, in the so called cybersecurity,
- With **new forms of delinquency and computer-related crime** (cybercrime, malware, cracking, etc.),
- With the events which are justified as supposed **IT failures**, in which the true nature and importance of the supposed failure is not clarified, as well as the resulting responsibilities,
- With new forms of violence and abuse, especially in the most vulnerable groups like **children, young people and elderly people**,
- With **intellectual**, personal, artistic or industrial **property**, with a conception linked to the material world,
- With **IT for defence** and the law enforcement authorities
- Etc., etc.

All these issues are generating an **increasing concern, especially in the fields of personal life, work and business, in the fields of security, fundamental rights, responsibility, defencelessness and legal uncertainty.**

There is a great **legal uncertainty and insecurity** in society, in relation to the **information generated by individuals**, which, despite not being considered as "personal data", when it is processed for a long period of time (years) and combining information of a diverse nature (the schedule, the contacts, the friends in the social networks, the words used, the web pages visited, etc.) can result in a **detailed knowledge of the individual**, or even to determine **individual profiles in all aspects of the personality** including the ones related to aspects of special protection, like **health, ideology, sexuality, privacy**, etc.

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There are initiatives in relation to human rights on the Internet, notably the ones driven by the Council of Europe and the United Nations, especially "Internet Rights and Principles Dynamic Coalition" for the respect of human rights in the scope of the Internet.

We should not confuse the debate about the need for proper regulation of IT products, activities and services with that of the convenience of the liberalisation of such IT products, activities and services. No one questions the liberalisation, but with the controls and regulations in the cases which are appropriate. A parallelism could be done with the field of medicine, liberalised, but strongly regulated. At the same time with a great basis in professional ethics and deontology as key tools in an environment with a high rate of change and innovation as is the case of IT.

The European legislation has control mechanisms to be applied to products, activities and services, when it is considered that they have an **impact on the general interest**, but currently these mechanisms are applied in a way closely linked to the material world, although an evaluation of the impact on the general interest of IT products, activities and services has not been carried out.

In the context of the European Union, "overriding reason to the public interest" is one which (according to the interpretation of the standing case-law of the EU Court of Justice) impacts on:

- public policy,
- public security,
- public safety,
- public health,
- preserving the financial equilibrium of the social security system,
- the protection of consumers, recipients of services and workers,
- the fairness of trade transactions,
- combating fraud,
- the protection of the environment and the urban environment,
- the health of animals,
- intellectual property,
- conservation of national historic and artistic heritage,
- social policy objectives and the cultural policy objectives.

The European Commission is developing important initiatives in ICT, like e-Skills Strategy ("e-Skills for the 21st Century: Fostering Competitiveness, Growth and Jobs"), Grand Coalition for Digital Jobs, European e-Competence Framework released by the European Standardisation Committee (CEN), European ICT foundational body of knowledge, presented in February 2015. The latest one is "The Riga Declaration on e-Skills" on March 13th 2015, "to action on digital skills and job creation in Europe", which among other things, propose the implementation of a European Framework for the ICT profession based on four blocks, one of which is the achieving of an ICT professional ethic shared at European level. Nevertheless, among all these multiple initiatives in ICT, **there has not been a rigorous and deep evaluation of the impact in the general interest of IT products, activities and services, according to their importance now and in the future of the Information and Knowledge Society.**

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Call to governments and society

Given that Information Technology (IT) products, activities and services have an increasing impact in all fields: personal, familiar, labour, corporate, administrative and social as a whole.

Given that IT products, activities and services have an increasing impact in the personal and familiar field and with that in the fundamental rights of the citizens, including children, young people, elderly people and other especially vulnerable collectives.

Given that IT products, activities and services have an increasing impact, and in many cases are essential for the majority of components in devices, systems, facilities, activities and services in all fields, and in particular in those that the European legislation establishes as general interest (with special mention given to public policy, public security, public safety, public health, preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, the fairness of trade transactions, combating fraud, the protection of the environment and the urban environment and intellectual property).

We call on European governments (member states and European Commission), and society at large (institutions, social agents, sectorial associations, social collectives, companies, organizations in general and citizens) to support:

- 1. The urgency to carry out, at European level, a deep and rigorous evaluation of the impact of IT products, activities and services in the general interest and the fundamental rights, with the objective of determining the cases in which it would be recommendable to establish some kind of regulation or administrative control due to reasons of general interest,** in the framework of the work plan 2015-2016 for the activities with impact on the general interest establish in the Communication from the European Commission *COM(2013) 676 final*, and respecting the principles of justification, proportionality and non-discrimination.
- 2. The urgency to create governance, control and regulation mechanisms for IT products, activities and services at national, European and International level, in a manner consistent with the Information and Knowledge Society** in which we live. With the need to create as soon as possible specific measures to materialise its multidisciplinary study, analysis and implementation, especially in relation to its impact on fundamental rights, security, health, consumers, commercial transactions, the fight against fraud and intellectual and industrial property.
- 3. The importance of having the European countries leading or being part of the International vanguard of this initiative, so important for the construction of the Information and Knowledge Society** in which we live, and in which IT is an essential raw material, and therefore key for competitiveness and economic and social sustainability.