

Declaration of Internet Rights

Preamble

The Internet has played a decisive role in redefining public and private space, structuring relationships between people and between people and institutions. It has erased borders and has created new ways of generating and utilising knowledge. It has expanded the scope for people to participate directly in the public domain. It has changed how people work. It has fostered the development of a more open and free society. The Internet must be treated as a global resource and must satisfy the criterion of universality.

The European Union is currently the world region with the greatest constitutional protection of personal data, which is explicitly enshrined in Article 8 of the EU Charter of Fundamental Rights. This serves as a necessary point of reference for specifying the principles governing the operation of the Internet, including from a global perspective.

This Declaration of Internet Rights is founded on the full recognition of the liberty, equality, dignity and unique diversity of each individual. Preserving these rights is crucial to ensuring the democratic functioning of institutions and avoiding the predominance of public and private powers that may lead to a society of surveillance, control and social selection.

The Internet is an increasingly important space for the self-organisation of individuals and groups, and it is a vital tool for promoting individual and collective participation in democratic processes as well as substantive equality.

The principles underpinning this Declaration also take account of the function of the Internet as an economic space that enables innovation, fair competition and growth in a democratic context.

A Declaration of Internet Rights is crucial to laying the constitutional foundation for supranational principles and rights.

Art. 1
(Recognition and protection of rights)

1. The fundamental rights of every individual enshrined in the Universal Declaration of Human Rights of the United Nations, the Charter of Fundamental Rights of the European Union, national constitutions and other relevant international declarations shall be protected on the Internet.
2. These rights shall be interpreted so as to ensure their enforceability on the Internet.
3. The recognition of rights on the Internet shall be based on comprehensive respect for the dignity, freedom, equality and diversity of each individual, which constitute the underlying principles for balancing these with other rights.

Art. 2
(Right to Internet Access)

1. Access to the Internet is a fundamental right of all persons and a condition for their individual and social development.
2. Every person shall have the same right to access the Internet on equal terms, using appropriate and up-to-date technologies that remove all economic and social barriers.
3. The fundamental right to Internet access must be ensured with respect to its substantive prerequisites, not only as the mere possibility of connecting to the Internet.
4. Access shall include freedom of choice with regard to devices, operating systems, and applications, including distributed software.
5. Public institutions shall take the necessary measures to overcome all forms of digital divide, including those created by gender, economic condition or a situation of personal vulnerability or disability.

Art. 3

(Right to online knowledge and education)

1. Public institutions shall ensure the creation, the use and the dissemination of online knowledge, construed as a good accessible to and usable by all.
2. The rights arising from the recognition of the moral and material interests connected with the production of knowledge shall be given due consideration.
3. Every person has the right to be placed in the condition to acquire and update the skills necessary to use the Internet in an informed manner for the exercise of his or her rights and fundamental freedoms.
4. Public institutions shall promote, especially through the educational and training system, the informed use of the Internet and shall take steps to eliminate any form of cultural lag that might preclude or limit the use of the Internet by any person.
5. The informed use of the Internet is an essential guarantee of the development of equal opportunities for individual and collective growth; the democratic rebalancing of disparities in power on the Internet between economic players, institutions and citizens; the prevention of discrimination and risky behaviour as well as conduct detrimental to the freedoms of others.

Art. 4

(Net neutrality)

1. Every person has the right that the data he/she transmits and receives over the Internet be not subject to discrimination, restrictions or interference based upon the sender, recipient, type or content of the data, the device used, applications or, in general, the legitimate choices of individuals.
2. The right to neutral access to the Internet in its entirety is a necessary condition for the effectiveness of the fundamental rights of the person.

Art. 5

(Protection of personal data)

1. Everyone has the right to the protection of the data that concern them in order to ensure respect for their dignity, identity and privacy.
2. Such data consist of information that allows someone to trace the identity of a person and includes data pertaining to and generated by devices, as well as any data gathering and processing, such as that involved in the development of profiles.
3. Everyone has the right to access data that concern them, and to obtain the rectification or erasure of such data for legitimate reasons.
4. Data must be processed in accordance with the principles of necessity, purpose limitation, relevance, proportionality and, in any case, the right of every individual to informational self-determination shall prevail.
5. Data may be collected and processed only with the informed consent of the data subject or on the basis of another legitimate motivation enshrined in law. Consent shall in principle be revocable. With regard to the processing of sensitive data, the law may establish that the consent of the data subject must be accompanied by a specific authorisation.
6. Consent does not constitute a legal basis for the processing of data when there is a significant imbalance of power between the data subject and the data processor.
7. Access to and processing of data for discriminatory purposes, whether directly or indirectly, is prohibited.

Art. 6

(The right to informational self-determination)

1. Every person has the right to access his or her data, irrespective of the data controller and the place where the data are stored, in order to request the supplementation, rectification or erasure of the data in the manner provided for by law. Every person has the

right to know the technical procedures used in processing data that concern them.

2. Data may be collected and stored only for the length of time necessary, in any event respecting the principles of purpose limitation and proportionality and the right to self-determination of the data subject.

Art. 7

(Inviolability of electronic systems, devices and domiciles)

1. The IT systems and devices of every person and the freedom and confidentiality of their electronic information and communications are inviolable. Exceptions are possible only in the circumstances and in the manner established by law and with the reasoned authorisation of the courts.

Art. 8

(Automated processing)

1. No act, judicial or administrative order or decision that could significantly impact the private sphere of individuals may be based solely on the automated processing of personal data undertaken in order to establish the profile or personality of the data subject.

Art. 9

(Right to one's identity)

1. Every person has a right to the complete and up-to-date representation of his or her identities on the Internet.

2. The definition of identity regards the free construction of personality and cannot take place without the intervention and the knowledge of the data subject.

3. The use of algorithms and probabilistic techniques shall be disclosed to the data subject who, in any case, has the right to oppose the construction and dissemination of profiles regarding him or her.

4. Every person has the right to provide only the information which is strictly necessary for complying with legal obligations, for the supply of goods and services or for accessing Internet platforms.

5. The attribution and management of digital identities by public institutions shall be governed by appropriate guarantees, especially with regard to security.

Art. 10

(Protection of anonymity)

1. Every person may access the Internet and communicate electronically using instruments, including technical systems, which protect their anonymity and prevent the collection of personal data, in particular with a view to exercising civil and political freedoms without being subject to discrimination or censorship.

2. Restrictions may be imposed only when they are based on the need to safeguard a major public interest and are necessary, proportional and grounded in law and in accordance with the basic features of a democratic society.

3. In the event of violations of the dignity and fundamental rights of any person, as well as in other cases provided for by the law, the courts may require the identification the author of a communication with a reasoned order.

Art. 11

(Right to be forgotten)

1. Every person has the right to obtain the removal from search engines of references to information that, due to their content or the time elapsed from the moment of collection, no longer have public relevance.

2. The right to be forgotten cannot restrict the freedom of search and the right of the public to be informed, which are necessary conditions for the functioning of a democratic society. This right may be exercised by public figures or those who hold public functions only if the data concerning them are irrelevant with regard to their activities or the public functions they perform.

3. Where a request to be removed from search engines is granted, any person may appeal the decision before the courts to ensure that the public interest in the information is preserved.

Art. 12

(Rights and safeguards of people on platforms)

1. Digital platform operators are required to behave with integrity and fairness in dealing with users, suppliers and competitors.

2. Every person has the right to receive clear and simple information on how the platform operates, not to have contractual terms arbitrarily altered and not to be subjected to conduct that could make accessing the platform difficult or discriminatory. Every person shall be in any case notified of changes in contractual terms. In this case, they have the right to terminate the relationship, to receive a copy of the data concerning them in interoperable form and to have the data concerning them removed from the platform.

3. Platforms that operate on the Internet, if they provide services essential to the lives and activities of people, shall ensure conditions – also in accordance with the principle of competition – for the appropriate interoperability, under equal contractual terms, of their main technologies, functions and data with other platforms.

Art. 13

(Network security)

1. Network security must be guaranteed in the public interest, ensuring infrastructure integrity and protection from attacks, and in the interest of individuals.

2. Restrictions on the freedom of expression are not permitted. The protection of the dignity of persons from abuses connected with such behaviour as incitement to hate, discrimination and violence, shall be guaranteed.

Art. 14

(Internet governance)

1. Every person has the right to both national and international recognition of their rights.
2. The Internet requires rules consistent with its universal, supranational scope, aimed at fully implementing the principles and rights set out above, to safeguard its open and democratic nature, to prevent all forms of discrimination and to prevent the rules governing its use from being determined by those who hold the greatest economic power.
3. Internet rules shall take into account the various territorial levels (supranational, national, regional), the opportunities created by a variety of forms of self-regulation consistent with the above principles, the need to preserve the capacity for innovation, including through competition, as well as the manifold actors operating on the Internet, and shall encourage involvement in ways that ensure the widespread participation of all concerned. Public institutions shall adopt the appropriate instruments to ensure such participation.
4. In any case, the regulatory innovations regarding the Internet shall be subject to an assessment of their impact on the digital ecosystem.
5. The Internet shall be managed so as to ensure compliance with the principle of transparency, accountability for decisions, accessibility to public information, and the representation of those concerned.
6. Access to and the reuse of data generated and held by the public sector shall be ensured.
7. The establishment of national and international authorities is essential to effectively ensure observance of the above criteria, including through an evaluation of the compliance of the new rules with the principles of this Declaration.