



## EU's Article 29 Group calls for anonymity on the net

**The European Union's Data Protection Working Party has adopted a discussion paper on anonymity on the Internet. It recommends that the Commission acts to ensure equal privacy protection on-line as currently exists off-line.**

The Working Party, commonly known as the Article 29 Group (PL&B Oct. '97 p.7), bases its recommendations on a report by the International Working Group on Data Protection in Telecommunications. Given the current situation where anonymous use of the Internet is very rare, the Working Party calls for recognition of a new collection limitation principle in new national and international laws on Internet use. If possible, this principle should also provide a choice for individuals to remain anonymous.

It is also suggested that the EU's appropriate research and development funding should be allocated to projects on anonymous payment and anonymous means of access. Further support could be given in the form of tax reliefs to privacy-friendly products.

The Working Party reminds us that access and service providers should be made aware of the data protection regulations with which they need to comply.

The group also stresses the importance of educating the general public on the risks to individual's privacy when using the Internet. Such guidance has already been prepared by the Spanish Data Protection Commission and the Hong Kong Privacy Commissioner for Personal Data. The Office of the Data Protection Registrar in the UK is currently drafting recommendations on Internet use following last year's guidance on the Internet and registration (PL&B August '97 p.13).

### **Anonymity versus illegal behaviour: a conflict of interests**

The Working Party recognises that total anonymity on the Net may not be feasible in all cases.

Although the right to remain anonymous should be fundamental, there are circumstances where it must be possible to detect the true identity of an individual, for example in cases of financial fraud, or the release of illegal content. However, the Article 29 Group suggests that any restrictions to anonymity should be applied strictly on a case-by-case basis. As a means of exercising some control over Internet newsgroups, the Working Party proposes a contract solution to guarantee a certain degree of content quality.

Privacy enhancing technologies could be used to allow individuals to gain access under the cover of a "pseudo-identity." If criminal activity was suspected, the true identity of the user could be revealed by the service provider.

### **Anonymous use requires new means of access and payment.**

For individuals to be able to use the Internet anonymously, new means of access need to be introduced. The Working Party hopes that public Internet kiosks and pre-paid access cards, which could be used in the same way that we use public telephones and telephone cards, will become commonplace.

In addition, there should be the possibility of sending e-mail, browsing worldwide websites and purchasing most goods and services over the Internet without revealing identity. The Working Party would allow limiting the option of anonymous payment only when there is clear evidence of criminal behaviour, such as money laundering.

**The discussion paper *Anonymity on the Internet* was adopted on 3rd December 1997. It is available from DG XV at the European Commission**

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**A background report, the *Budapest-Berlin Memorandum on Data Protection and Privacy on the Internet* by the International Working Group on Data Protection and Telecommunications is available on the Internet at <http://www.datenschutz-berlin.de>**