[BE] Collaboration Protocol to Help Stamp Out Illegal Acts on the Internet

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On 28 May 1999 a collaboration protocol came into force between ISPA Belgium (Internet Service Providers Association) and the Ministers for Telecommunications and Justice. The aim of the protocol is to help stamp out illegal acts on The Internet, particularly certain criminal offences (child pornography, racism and infringements of gambling legislation). Although offences committed via The Internet may be sanctioned on the basis of the provisions of the Criminal Code and specific criminal legislation, there are nevertheless difficulties in obtaining evidence concerning such infringements (because of their transnational and intangible nature). Moreover, it is necessary to respond rapidly. This has motivated the Belgian authorities not only to seek collaboration with the appropriate authorities in other countries, but also collaboration with service providers (ISPs) in Belgium. The protocol of 28 May 1999 agrees on the adoption of a number of principles of collaboration between the ISPs and the central contact of the police authorities' national "computer crime unit" (http://www.gpj.be). If an ISP detects content which it thinks is illegal or if a user draws its attention to such content, the ISP is to inform the computer crime unit. Internet users may also report content which they think is illegal directly to the central contact. The user or the ISP receives an acknowledgement from the central contact within 24 hours. If the central contact feels that the content is not patently illegal, the matter will not be taken up. Otherwise, the matter will be passed on to the relevant courts and the ISPA and its members will be notified that the matter is in hand. If the content is considered to constitute a child pornography offence, the ISPs undertake to use all the means reasonably at their disposal to block access to the illegal content, unless specifically instructed not to do so by the police authorities. If the supposed illegal content is hosted by an ISP outside Belgium, the ISPA will communicate this information, unless specifically instructed otherwise by the Belgian police central contact, to the association of ISPs in the country concerned if there is one, or to the ISP concerned, as soon as possible.

It must be stressed that this procedure for collaboration only covers public information communications via The Internet. The ISPs are not required to gain information on the content of private communications such as e-mail, private chats, and the Internet sites with limited access. Nor is it intended that ISPs should actively search the Internet in order to seek out illegal content.

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Evaluation meetings will be held regularly between the Ministers for Telecommunications and Justice and the ISPA in application of the protocol. The signatories also undertake to promote the principles of the protocol at international level.

Samenwerkings akkoord.

http://www.ispa.be/nl/c040202.html

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