[FR] Opinion of the CSA and the CNIL on the Information Society Bill

IRIS 2001-7:1/28

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The Information Society Bill (see IRIS 2001-5: 14) was adopted on 13 June 2001 by the Council of Ministers without any major changes. The Conseil supérieur de l'audiovisuel (the audiovisual regulatory authority - CSA) and the Commission national informatique et libertés (CNIL - National Commission for IT and Civil Liberties), both closely concerned with the subject, have given their opinions on the provisions of the Bill.

The length of time during which connection data is retained for investigative purposes remains fixed by the Council of Ministers at a maximum of one year. This very controversial point has been heavily criticised by the CNIL, which had wanted this period reduced to three months. It regretted the fact that determination of the categories of data and of their duration, according to the activity of the operators and the nature of the communications, was to be covered by a decree. On advertising by electronic means, the Government maintained the principle of the freedom to send unsolicited commercial communications, unless the addressee is on a list opposing this. The CNIL finds this measure insufficient; it favoured the possibility of controlling unsolicited commercial communications on-line. As for the responsibility of providers of technical services, the present Bill removes the requirement to promptly inform the appropriate public authorities of any unlawful activities or information that comes to their notice in the exercise of their activity.

The CSA's opinion, delivered on 9 May 2001, was largely directed at the legal scheme covering on-line communication services and at broadcasting networks. On these two points, the CSA called for "technological neutrality" and "equal treatment". In general, the CSA approved the draft Bill, and in particular the principle of applying the statutory deposit requirement to the content of on-line communication services and the exercise of the right of reply. However, it stressed the need to bring into line the time periods applicable for defamation and the right of reply. It also hoped for further details of the category of services covering on-line services that provide the public with images or sound, and rejected the limited areas of responsibility allocated to it by the draft Bill for all of these services, as it would prefer to "exercise its general areas of responsibility". Lastly, on the responsibility of operators, the CSA pointed out that the draft Bill does not fully transpose the scheme for e-commerce set out in the Directive (Directive 2000/31 of the European Parliament and of the Council of 8 June 2000)

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into national law.

Avis de la Commission national informatique et libertés (CNIL) relatif au projet de loi sur la société de l'information

Opinion of the National Commission for IT and Civil Liberties (CNIL) on the Information Society Bill

Avis du Conseil supérieur de l'audiovisuel (CSA) relatif au projet de loi sur la société de l'information du 9 mai 2001

Opinion of the audiovisual regulatory authority (CSA) on the Information Society Bill of 9 May 2001

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