[DE] Legislative proposal to introduce compulsory ID checks on social networks and gaming platforms

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On 7 February 2020, the German Bundesländer of Lower Saxony and Mecklenburg-Vorpommern jointly submitted an "Entwurf eines Gesetzes zur Änderung des Netzwerkdurchsetzungsgesetzes zum Zweck der Erleichterung der Identifizierbarkeit im Internet für eine effektivere Bekämpfung und Verfolgung von Hasskriminalität" (Draft act amending the Network Enforcement Act in order to facilitate identification on the Internet to combat and prosecute hate crime more effectively) to the German *Bundesrat* (upper house of parliament). Their main objective is to make it easier to investigate offences committed on social networks and gaming platforms. In particular, the draft obliges platform operators to check the identity of their users when they register, so that this data can be provided to law enforcement and, if necessary, other authorities during investigations. The proposals are based on the idea that the rise in the spread of online hatred and propaganda is promoted by the anonymity of Internet users. By using pseudonyms, anyone can post whatever comments they like without fear of being identified (without a great deal of investigative effort) and punished. The two Bundesländer are therefore proposing an amendment to the *Netzwerkdurchsetzungsgesetz* (Network Enforcement Act – NetzDG) that would force both social networks and gaming platforms to collect their users' names, addresses and dates of birth when they register to use their services. To this end, the draft not only establishes such an obligation in a newly added Article 3a, but also provides for the introduction of certain verification procedures. These include the presentation of an official proof of identity or electronic proof of identity; use of a qualified electronic signature or notified electronic identification system; and other procedures that may be specified by the *Bundesamt für Justiz* (Federal Office of Justice). With regard to the existing registered users, the draft states that the aforementioned identification process should be completed within two years of the act's entry into force. Whereas social networks have been subject to the Network Enforcement Act and its obligations since it came into force in 2018, this is the first time gaming platforms have fallen under its provisions. The draft defines gaming platforms as profit-making Internet platforms whose users take part in gaming. It requires those gaming platforms with more than 2 million users in Germany to report illegal content and meet the obligations on dealing with complaints that have previously only applied to social networks under the Network Enforcement Act. The proposals were presented in plenary on 14 February 2020 and sent to the expert committees of the *Bundesrat*. These

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committees will advise on how to proceed with the draft, which was submitted in parallel with other proposals to amend the Network Enforcement Act.

Entwurf eines Gesetzes zur Änderung des Netzwerkdurchsetzungsgesetzes zum Zweck der Erleichterung der Identifizierbarkeit im Internet für eine effektivere Bekämpfung und Verfolgung von Hasskriminalität (Bundesrat-Drucksache 70/20 vom 7.2.2020)

https://www.bundesrat.de/SharedDocs/drucksachen/2020/0001-0100/70-20.pdf?__blob=publicationFile&v=1

Draft act amending the Network Enforcement Act in order to facilitate identification on the Internet to combat and prosecute hate crime more effectively (Bundesrat publication no. 70/20 of 7 February 2020)

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