[NL] Senate adopts bill criminalising sharing of personal data for purpose of intimidation

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On 11 July 2023, the Dutch Senate (*Eerste Kamer*) adopted a bill on the criminalisation of obtaining, distributing or otherwise making available personal data for the purpose of intimidation (*strafbaarstelling gebruik persoonsgegevens voor intimiderende doeleinden*), an activity known as "doxing". This is where personal data, such as addresses and phone numbers, as well as private information about family members, is distributed online so that it can be used to intimidate someone, and journalists are often victims. Notably, recent Dutch government measures introduced to protect the safety of journalists online included a commitment to introduce a law to combat doxing (see IRIS 2022-8/15).

Under the bill, to "obtain, distribute or otherwise make available identifying personal data of another person or a third party with the intention of causing fear to that other person, causing serious inconvenience, or causing serious hindrance in the exercise of his/her office or profession", carries a maximum prison sentence of two years or a fine of up to EUR 22 500 euros. The new law gives the police and the Public Prosecution Service more authority to take action against doxing; and a victim can also initiate civil proceedings if it is known who posted the offending content online. Compensation for damages and the removal of the unlawful content offline can then be ordered. If the perpetrator is not known, a notice can be made to the online intermediary hosting the content. The bill will amend the Criminal Code and the Code of Criminal Procedure, and will come into effect on 1 January 2024, having been adopted by the House of Representatives (*Tweede Kamer*) in February 2023.

The Ministry of Justice and Security released a statement, noting that the phenomenon of doxing is "common", and has a "major impact on the people who are targeted in this way". It is often "police officers, journalists and politicians" who become victims of doxing. Those targeted "fear for their safety and that of their loved ones", can no longer "express their opinions without fear", and are no longer "able to fulfil their duties"; it also affects "fundamental freedoms and the functioning of our democratic constitutional state".

Amendment to the Criminal Code and the Code of Criminal Procedure in connection with the criminalization of obtaining, distributing or otherwise making personal data available for intimidating purposes, 11

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Ministry of Justice and Security, "The use of personal data for the purpose of intimidation will become a punishable offense", 12 July 2023

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