

Joint Declaration on Cooperation in the Operation of the Line for Reporting Illegal Content

National Headquarters for Combating Organized Crime Criminal Police and Investigation Services

(hereinafter the “National Headquarters”)

ID No.: 00007064

Na Baních 1304, 156 80 Prague 5

Represented by JUDr. Michal Mazanka, National Headquarters Director

and

CZ.NIC, z.s.p.o.

(hereinafter the “CZ.NIC Association” or “Line Operator”)

ID No.: 67985726

Milešovská 1136/5, 130 00 Prague 3

Registered in the Register of Associations kept by the Municipal Court in Prague, file No. L 58624

Represented by Mgr. Ondřej Filip, MBA, Managing Director

(hereinafter jointly the “Parties”)

on the day, month, and year set out below, enter into this Declaration on Cooperation

(hereinafter the “Declaration”)

Introductory Provisions

1. The National Headquarters are, within the remit of the Police of the Czech Republic, competent to investigate illegal activities perpetrated through the Internet. The department of the National Headquarters responsible for the issue is the Department of Cybercrime. The National Headquarters run a public hotline to report illegal and inappropriate content on the Internet at <http://aplikace.policie.cz/hotline/> (hereinafter the “Hotline”).

2. The CZ.NIC Association is the administrator of the national domain .cz and also operates the National CERT in accordance with Act 181/2014 Coll., on cybersecurity. Pursuant to Contract No. INEA/CEF/ICT/A2015/1151115, regulating the project SIC CZ (Safer Internet Centre, project No. 2015-CZ-IA-0018, lasting to



31 December 2018, hereinafter “CZ SIC”), the CZ.NIC Association operates a public hotline for reporting illegal and inappropriate content on the Internet at www.stoponline.cz (hereinafter the “Line”), which is a part of the INHOPE network; this network is run by an international association, INHOPE, associating similar lines worldwide. Thus, it contributes to the deepening of the cooperation of the operators of these lines, sharing their experience, and fulfilling the purpose of the reports and complaints and the transmission of information on illegal and inappropriate content on the Internet, especially in the area of child pornography.

3. The Parties have decided to adjust through this Declaration their mutual relations during the operation of the line, the form, scope, and method of notifying the National Headquarters by the Line Operator, and other related activities and facts.

Article I

Subject Matter and Purpose of Declaration

1. The Parties negotiate this Declaration through having a common interest, which is to protect children and youth against crime committed against them, in order to minimise the occurrence of child pornography and other illegal and inappropriate content on the Internet threatening children, youth, and other Internet users.

2. The purpose of this Declaration is to increase the cooperation between the National Headquarters, Line Operator, and the general public in order effectively to collect information concerning active links to offers of child pornography and child prostitution services, the addresses at which persons with a paedophilic orientation gather, and other information on illegal and inappropriate content available via the Internet, and the subsequent solution by the appropriate authorities in accordance with
Czech law.

Article II

Definitions

For the purposes of this Declaration:

- a) a complaint means any information from the public sent to the line relating to a defined site on the Internet with any illegal or inappropriate content or any actual illegal or inappropriate content, with its origin identified, which was made accessible or transmitted on the Internet;
- b) a notification means any information provided to the National Headquarters by the Line Operator, obtained on the basis of a complaint pursuant to subparagraph (a);

- c) cooperation means the activities required by one of the Parties in connection with notification pursuant to subparagraph (b), in particular under the applicable provisions of Act 273/2008 Coll., on the Police of the Czech Republic, and Act 141/1961 Coll., on Criminal Procedure (the Criminal Procedure Code);
- d) illegal content means any content which shows any signs of a criminal offence, according to the provisions of Czech law or an international treaty that is binding for the Czech Republic; and
- e) inappropriate content means any content that could interfere with children's rights or fundamental human rights, especially in cases of physical or mental violence, abuse, or exploitation, including sexual mistreatment or exploitation, in accordance with the provisions of Czech law and international treaties that are binding for the Czech Republic.

Article III

Status and Tasks of the National Headquarters

The National Headquarters:

- a) performs tasks in combating crime related to information and communication technologies in the area covered by this Declaration;
- b) operates a hotline for reporting inappropriate and illegal content;
- c) in cooperation with the Line Operator, defines the criteria on the basis of which the Line Operator should assess incoming complaints in order to be able unambiguously to identify any illegal content;
- d) regularly, once a year, or as needed, and in accordance with Czech law, sends the Line Operator summary statistics of notifications investigated under Annex 2, which is an integral part of this Declaration;
- e) appoints a representative who will regularly attend workshops at which the ongoing cooperation and current issues related to the work associated with the line will be discussed;
- f) appoints a representative who will be in contact with the international association INHOPE and will receive in the Czech Republic the representatives of other countries cooperating within the INHOPE network and ensure international cooperation in this area; and
- g) in cooperation with the Line Operator, and in accordance with Czech law, provide an efficient solution for dealing with any illegal and inappropriate content located on the Internet.

Article IV

Status and Tasks of the Line Operator



Among other things and as part of the SIC CZ project, the Line Operator:

- (a) performs tasks in the field of the protection of users of the Internet, communicates with the public, and helps to prevent crime in the area covered by the Declaration;
- (b) receives complaints from the public regarding illegal and inappropriate content on the Internet in the area covered by the Declaration;
- (c) operates a line for their evaluation;
- (d) in cooperation with the National Headquarters, establishes criteria under which the line staff can identify incoming complaints in order to be able unambiguously to identify any illegal content;
- (e) reports complaints in connection with which there is reasonable suspicion that a criminal offence has been committed on an Internet in the Czech Republic to the National Headquarters immediately in a manner in accordance with Annex 1 of the Declaration;
- (f) organizes regular working meetings at which the ongoing cooperation and current issues relating to the activities of the line are discussed; and
- (g) transmits information about illegal and inappropriate content on the Internet to the INHOPE network.

Article V

Content and Principles of Cooperation

1. The Line Operator receives complaints from the public, especially concerning addresses on the Internet where active links to any illegal and inappropriate content are made accessible.

2. The Line Operator, in cooperation with the National Headquarters, shall set out the criteria under this Declaration under which it will be possible to evaluate effectively a complaint under Article II (a) and determine which information on the Internet is illegal and should be forwarded to the National Headquarters to investigate, and which is inappropriate and should be addressed by the Line Operator, with possible cooperation of the authorities with regard to the subject matter and territorial jurisdiction.

3. The Line Operator shall submit notifications to the National Headquarters under Article II (b).

4. The procedure for submitting notifications by the Line Operator to the National Headquarters shall be regulated by the operational and technical conditions which are attached to this Declaration as Annex 1, which are based on the experience,

rules, principles, and parameters necessary for reporting complaints of cybercrime abroad.

5. The Line Operator sends the information to the holders of Czech domain names and Internet service providers on whose portals and servers any illegal and inappropriate content is made accessible. In the case of complaints that were forwarded by a notification under Article II (b) of the National Headquarters, it does so only on the basis of an agreement with the National Headquarters.

6. If there is a suspicion of a criminal offence and it is advisable to leave the illegal content on those portals and servers, the Line Operator shall notify the service provider of that only on the basis of an agreement with the National Headquarters.

7. The required fields of the notification for the National Headquarters are part of Annex 1.

8. The Line Operator shall regularly publish statistics on the number and structure of complaints under Article II (a) in order to expand the awareness among government institutions and the public about crimes committed on the Internet.

Article VI

Contact Points and Persons

1. The National Headquarters' contact point is:

National Headquarters for Combating Organized Crime
Criminal Police and Investigation Services
Department of Cybercrime
PO BOX 41/NCOZ
156 80 Prague 5

The National Headquarters' contact person is:

First name and surname:

Email:

Mobile:

2. The Line Operator's contact point is:

CZ.NIC, z.s.p.o.
Milešovská 1136/5
130 00 Prague 3

The Line Operator's contact person is:

First name and surname:

Email:

Tel:



Mobile: +420 724 158 096

Article VII

Confidential Information and Secrecy

1. The Parties unanimously designate as confidential any information they have received and will receive in connection with their performance under this Declaration which is not explicitly identified as public.

2. The data under Article III (d), (e), and (f) and Article V (8) shall not be deemed confidential information.

3. The Line Operator shall be entitled to publish, on an ongoing basis, general information concerning the content of the notification pursuant to Article II (b), but without the personal data of the notifying person and other persons.

4. The confidential information shall not include information which has become part of the public domain unless this has resulted from any breach of the obligation to protect it by either Party to the Declaration, information obtained on the basis of a procedure independent of this Declaration if the Party obtaining it is able to demonstrate such fact, and any information provided to either Party to this Declaration by any third party who has not obtained such information through any breach of the obligation to protect the confidentiality thereof.

5. The Parties shall not be entitled to use the confidential information otherwise than for the purposes of the proper fulfilment of their obligations and exercising their rights under the Declaration, and in accordance with Czech law.

6. The Parties shall be obliged to make every effort to ensure that the confidential information does not become publicly available without the consent of the other Party or is not disclosed to any third parties, except for the fulfilment of legal obligations.

7. As of the date of termination of their cooperation, the Parties shall be obliged to return the forwarded confidential information, especially the physical media and carriers obtained on the basis of this Declaration, or shall be obliged to destroy them, which they are required to demonstrate to the other Party, or to delete irretrievably the information from the physical media and carrier, of which they shall be obliged to inform each other promptly. This obligation shall not apply to the information used by either Party that is based on its legal obligations.

Article VIII

Joint and Final Provisions

1. This Declaration comes into force and effect on the date of its signing by both Parties.

2. The Declaration is concluded at least for the duration of the SIC CZ project. Upon the completion of the SIC CZ project, the cooperation between the Parties shall always be renewed for a further twelve months unless either Party notifies the other Party at least thirty days before the expiration of the duration of the SIC CZ project or before the expiration of twelve months that it is no longer interested in continuing the cooperation under this Declaration. In that event, the force and effect of the Declaration terminates upon the expiration of the duration of the SIC CZ project or upon the expiration of the latest twelve months. This shall be without prejudice to the rights of the Parties under paragraphs 5 and 6.

3. The mutual evaluation of cooperation under this Declaration shall be performed annually or more frequently if needed by the Parties.

4. If the Parties find that the Declaration is contrary to the generally binding legal regulations or the internal regulations of the Parties, the Parties shall notify each other of this fact without undue delay and take the necessary measures required to correct the deficiencies identified.

5. Both Parties shall be entitled at any time to terminate this Declaration, with a notice period of three months. The notice period shall commence on the first day of the month following the receipt of the notice.

6. This Declaration may also be terminated by a written agreement of the Parties.

7. No amendments to the Declaration shall be effective unless made in writing and signed by both Parties.

8. Both Parties shall be entitled to withdraw from this Declaration in the event of a material breach of any obligations under this Declaration by the other Party. A material breach of its obligations under this Declaration means a breach of the obligations imposed upon either Party by this Declaration, which will result in the inability to achieve its purpose or difficulty in so doing, namely:

(a) in the case of the National Headquarters, especially a breach of any of the provisions under Article III (a) and (c) to (g); and

(b) in the case of the CZ.NIC Association, a breach of any of the provisions under Article IV (e) to (h).

9. The termination of the Declaration shall be without prejudice to the Parties' obligations regarding the protection of information.

10. Both Parties agree that they will cover their own costs related to the activities under this Declaration.



11. By signing this Declaration, the Parties do not intend to create any other obligations towards each other than those arising from this Declaration. Further, this Declaration shall not bind the Parties to conclude any future agreements on cooperation covered by this Declaration or any other agreements. The Parties do not assume that the result of their activities under this Declaration will be entering into a contractual relationship without further steps being taken.

12. Both Parties agree that they shall be entitled to disclose the information concerning the conclusion of this Declaration and a general summary of its contents (especially the basic conditions, the conditions for submitting the information by the Line Operator to the National Headquarters, the fact that interference with any rights of any person shall only be performed by the Line Operator under the conditions laid down by the legislation of the Czech Republic, and the duration of the cooperation).

13. The Declaration is executed in four counterparts, of which both Parties shall each receive two.

In Prague on

In Prague on

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JUDr. Michal Mazánek

National Headquarters for Combating Organized Crime
Criminal Police and Investigation Services

.....

Mgr. Ondřej Filip, MBA

CZ.NIC z.s.p.o.

Annex 2

Statistical Data on the Notifications Submitted by the Line Operator

1. The number of notifications received during the reported period in the Internet network _____.

2. The number of notifications on the basis of which an examination was initiated _____.

2.1 The number of notifications on the basis of which criminal proceedings were initiated _____.

2.2 Criminal offences for which criminal proceedings were initiated:

2.2.1 Blackmailing – _____ cases.

2.2.2 Distribution of pornography – _____ cases.

2.2.3 Production and other handling of child pornography – _____ cases.

2.2.4 Abuse of a child to produce pornography – _____ cases.

2.2.5 Inducement to sexual intercourse – _____ cases.

2.2.5 Unauthorised access to computer systems and data carriers – _____ cases.

2.2.6 Others – _____ cases.

2.3 The number of notifications when there was no reason to initiate proceedings under any applicable legal regulation of the Czech Republic – _____ cases.

2.4 The number of notifications submitted for examination to other authorities with the subject matter and territorial jurisdiction – _____ cases.

3. The number of notifications still being examined during the reported period – _____ cases.

For the National Headquarters _____

