

Joint Declaration on Cooperation

as part of the operation of the illegal content reporting line

Police Directorate of the Czech Republic Criminal Police Services and Investigation Office

(the “Office”)

ID No.: 00007064

Strojnická 27, 170 89 Prague 7 – Holešovice

represented by plk. Mgr. Bc. Luďek Fiala, head of the Office – authorised to represent the Office

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**
(the “Declaration”)

Introductory Provisions

1. The Office is, within the Police of the Czech Republic, competent to investigate illegal activities perpetrated through the Internet. The General Crime Department is the department of the Office responsible for this matter.
2. The CZ.NIC Association is the administrator of the highest-level national domain .cz and operates the National CERT in accordance with Act No. 181/2014 Coll., on cybersecurity. As part of the Safer Internet Centre Czech Republic project (No. 2020-CZ-IA-0006, hereinafter as “SIC CZ“, implemented until 31 December 2021), the CZ.NIC Association operates a hotline for reporting illegal and inappropriate content on the Internet [at](#)



<https://www.stoponline.cz> (hereinafter the "Line"), being a part of the INHOPE network; this network is run by an international association INHOPE associating similar lines in the world. The CZ.NIC association thus fosters the cooperation of the operators of these lines, sharing of their experience, transferring of information about illegal and inappropriate content on the Internet, especially in the area of child pornography, and thereby the effective identification of such illegal content and its deletion in accordance with the law.

3. The Parties have decided to amend through this Declaration their mutual relations during the operation of the line, and also the form, scope, and method of notifying the Office 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 young people 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, young people and other Internet users.
2. The purpose of this Declaration is to increase the cooperation between the Office, the; 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 or through the Internet;
- b) a notification means any information provided to the Office 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) (or Article IV (e)), in particular under the

applicable provisions of Act No. 273/2008 Coll., on the police of the Czech Republic, and Act No. 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 on 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 on the Czech Republic.

Article III.

Status and Tasks of the Office

The Office especially:

- a) performs tasks in combating crime related to information and communication technologies in the area covered by this Declaration;
- b) In cooperation with the Line Operator, define the criteria on the basis of which the Line Operator should assess incoming complaints in order to be able to unambiguously identify any illegal content;
- c) regularly, once a year, or as needed, and in accordance with Czech law, sends the Line Operator summary statistics of notifications investigated under Annex 1, which is an integral part of this Declaration;
- d) appoints a representative who will regularly attend workshops at which the ongoing cooperation and current issues related to the activities associated with the line will be discussed;
- e) 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
- f) 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 or transmitted through 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 prevent crime in the area covered by this Declaration;
- b) Receives complaints from the public regarding illegal and inappropriate content on the Internet in the area covered by this Declaration;
- (c) Operates a line through which it receives and evaluates suggestions under point (b);
- (d) Establishes, in cooperation with the Office, criteria for the Line Operators to identify incoming complaints so that they can identify, with a high degree of certainty, any illegal content in the area covered by this Declaration,
- e) Reports complaints where criminal activity is reasonably suspected and the location within the Internet is the Czech Republic to the Office without undue delay and electronically,
- f) Organises regular working meetings at which the ongoing cooperation and current issues relating to the activities and issues 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 reports 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 Office, shall set out the criteria under this Declaration under which it will be possible to effectively evaluate complaints under Article II (a) and determine which information on the Internet is illegal and should be forwarded to the Office to investigate and which is inappropriate and should be addressed by the Line Operator, with possible cooperation of the authorities and other entities having the subject matter and territorial jurisdiction under applicable laws.

3. The Line Operator shall submit notifications to the Office under Article II (b) or Article IV (e).

4. The procedure and requirements for submitting notifications by the Line Operator to the Office will be agreed and regularly updated by the Parties as appropriate; however, they are always based on the experience, rules, best practice principles and parameters necessary for reporting similar 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) or Article IV (e) , the Line Operator does so only on the basis of an agreement with the Office.

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 only after an agreement with the Office.

7. The Line Operator shall regularly publish statistics on the number and structure of complaints under Article II (a) or Article IV (e) in order to raise the awareness of public institutions and the public about crimes committed on the Internet.

Article VI.

Contact Points and Persons

1. The contact point of the Office is:

Police Directorate of the Czech Republic
Criminal Police Services and Investigation Office
Department of General Crime
Strojnická 27, Office Jankovcova 1596/14b
170 89 Prague 7 – Holešovice

The contact person of the office is:

First name and surname:

Email:

Tel.: +420

Mobile: +420

Contact address for submitting notifications under Article II(b) or Article IV (e)

uskpv.ook.net@pcr.cz

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:

Phone:

Mobile:



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.
3. The data under Article III (c,d,e) and Article V (7) shall not be deemed confidential information.
8. 3. The Line Operator is entitled to publish general information on a regular basis about the content of the notifications under Article II(b) and Article IV(e) without the personal data of the person making the report and of other persons.
3. 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.
4. 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, in accordance with Czech law.
5. 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.
6. 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.

Common and Final Provisions

1. This Declaration comes into force on the date of its signing by both Parties and into effect on 1 May 2021.
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. The Declaration may also be terminated by a written agreement of the Parties.
7. No amendments to the Declaration shall be effective unless made in the form of a written amendment 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) (a) in the case of the Office, especially a breach of any of the provisions under Article III (a) and (c) to (f),
 - b) In the case of the CZ.NIC Association, a breach of any of the provisions under Article IV (e-g).
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 are entitled to publish the text of this Declaration.
13. This Declaration is made in an electronic form using means of electronic communication and identification in accordance with applicable laws, especially



using the electronic signature based on a qualified certificate, and the Parties shall neither make nor transmit a paper form of this Declaration.

In Prague, date.....

In Prague, date.....

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plk. Mgr. Bc. Luděk Fiala

Police Directorate of the Czech Republic
Criminal Police Services and Investigation Office
Annex No. 1

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Mgr. Ondřej Filip, MBA

CZ.NIC z.s.p.o.

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 Office _____

