

**National Headquarters for Combating Organised Crime  
Criminal Police and Investigation Services**

(hereinafter the “National Headquarters”)

Company ID No.: 00007064

Na Báních 1304, 156 80 Prague 5

Represented by plk. JUDr. Jiří Mazánek, Director

and

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

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

Company ID No.: 67985726

Milešovská 1136/5, 130 00 Prague 3

Incorporated 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”)

in accordance with Sections 14 and 15 of Act No. 273/2008 Coll., on the Police of the Czech Republic, Section 1746(2) of Act No. 89/2012 Coll., the Civil Code, and Act No. 181/2014 Coll., on Cyber Security and Amendments to Related Acts (the Cyber Security Act), enter into the following

**DECLARATION OF COOPERATION**

(hereinafter the “Declaration”)

Opening 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, Cybercrime Section.
2. The CZ.NIC Association is the administrator of the national domain .cz and also operates the National CERT in accordance with Act No. 181/2014 Coll., on Cyber Security and Amendments to Related Acts (the Cyber Security Act).



**Co-financed by the European Union Connecting Europe Facility**

As part of the Safer Internet Centre Project No. 2018-CZ-IA-0025 (hereinafter “SIC CZ”), which runs until 31 December 2020, the CZ.NIC Association operates a public line for reporting illegal and inappropriate content in the Internet network at <https://www.stoponline.cz> (hereinafter the “line”), belonging to the INHOPE network; that network is operated by INHOPE, an international association associating similar lines around the world, thus contributing to expanding the cooperation of operators of these lines, sharing their experience and fulfilling the purpose of reporting and complaints and transmitting information on illegal and inappropriate content on the Internet, especially in the field of child pornography.

3. By this Declaration, the Parties have decided to regulate the mutual relations and cooperation in the operation of the line, including the method of transmitting notifications to the National Headquarters from the Line Operator and the scope of the information transmitted in the notification and other related activities and facts.

Article I

**Purpose of the 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 National Headquarters, the Line Operator and the general public in order to effectively 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 the 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;
- c) 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
- d) 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 **Tasks of the National Headquarters**

The National Headquarters:

- a) Perform 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, send the Line Operator summary statistics of notifications investigated under the Annex, which is an integral part of the Declaration;
- d) Appoint a representative to attend working meetings at regular intervals to discuss the ongoing cooperation and current issues pertaining to the line-related activities; the name and contact details of the representative will be handed over by the National Headquarters to the CZ.NIC Association immediately after the Declaration is concluded; any change of the representative shall be notified in writing and his/her contact details provided by the National Headquarters to the CZ.NIC Association without undue delay;
- e) Appoint a representative to be in contact with the INHOPE international association; contact details of the representative will be handed over by the National Headquarters to the CZ.NIC Association immediately after the conclusion of the Declaration; 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 the Internet.

Article IV  
**Tasks of the Line Operator**

The Line Operator:

- a) Performs tasks in the field of the protection of users of the Internet network, 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 to evaluate complaints;
- d) In cooperation with the National Headquarters, establishes criteria to help the line staff to evaluate incoming complaints in order to identify illegal content;
- e) Reports complaints where criminal activity is reasonably suspected and the location in the Internet is the Czech Republic to the National Headquarters without undue delay by electronic means;
- f) Organises 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 the Declaration under which it is possible to effectively evaluate complaints 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 submits notifications to the National Headquarters.
4. The procedure and particulars for submitting notifications by the Line Operator to the National Headquarters have been agreed by the Parties and are based on the experience, rules, principles and parameters necessary for reporting complaints of cybercrime abroad. If necessary, the procedure and its particulars may be updated on an ongoing basis.
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 to 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 Line Operator regularly publishes statistics on the number and structure of complaints 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 contact point for the fulfilment of the Declaration and for discussing its possible changes is:
  - a) For the National Headquarters  
Department of Cybercrime

PO BOX41/NCOZ  
156 80 Prague 5,  
Director of the Cybercrime Section,

b) For the CZ.NIC Association  
CZ.NIC, z.s.p.o.  
Milešovská 1136/5  
130 00 Prague 3,  
Operating Director.

2. The names of the contact persons and the current contact details (telephone, e-mail) will be mutually provided between the Parties without undue delay after the conclusion of the Declaration.
3. Any change of the contact persons or contact details referred to in paragraph 1 shall be notified to the other Party in writing without undue delay; at the same time, new contact details shall be provided.

#### 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 the Declaration which is not explicitly identified as public.
2. The data under Article III(c)-e) and Article V(7) 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 notifications, 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 the Declaration if the Party obtaining it is able to demonstrate such fact, and any information provided to either Party 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, 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 statutory 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 the 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 inform each other promptly. This obligation shall not apply to the information used by either Party that is based on its statutory obligations.

#### Article VIII

##### **Common and Final Provisions**

1. The Declaration comes into force and effect on the date of its signing by both Parties.
2. The Parties declare that, as of 31 December 2018, they, by mutual agreement, terminated the force and effect of the declaration concerning the operation of the line for reporting illegal content, which they had concluded on 15 February 2017.
3. 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 the 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.

4. The mutual evaluation of cooperation under the Declaration shall be performed annually or more frequently if needed by the Parties.
5. If the Parties find that the Declaration is contrary to 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.
6. The Parties shall be entitled at any time to terminate the 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.
7. The Declaration may also be terminated by a written agreement of the Parties.
8. No amendments to the Declaration shall be effective unless made in the form of a written amendment and signed by both Parties.
9. The Parties shall be entitled to withdraw from the Declaration in the event of a material breach of any obligations under the Declaration by the other Party. A material breach of its obligations under the Declaration means a breach of the obligations imposed upon either Party, 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 IIIa) and c)-f); and
  - b) In the case of the CZ.NIC Association, a breach of any of the provisions under Article IVe)-g).
10. The termination of the force and effect of the Declaration shall be without prejudice to the Parties' obligations regarding the protection of information.
11. The Parties agree that they will cover their own costs related to the activities under the Declaration.
12. By signing the Declaration, the Parties do not intend to create any other obligations towards each other than those arising from the Declaration. Further, the Declaration shall not bind the Parties to conclude any future agreements on cooperation covered by the Declaration or any other agreements. The Parties do not assume that the result of their activities under the Declaration will be entering into a contractual relationship without further steps being taken.
13. The Parties agree that they are entitled to publish the text of the Declaration.
14. The Declaration is executed in four counterparts, of which both Parties shall each receive two.

Ref. No. NCOZ-2472-3/ČJ-2019-414100

In Prague, on 30 April 2019

In Prague, on 25 April 2019

**plk. JUDr. Jiří Mazánek**

Director

**Mgr. Ondřej Filip, MBA**

Managing Director

Annex to the Declaration

**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.
    - 2.2.6. Unauthorised access to computer systems and data carriers – \_\_\_\_ cases.
    - 2.2.7. Others – \_\_\_\_ cases.
  - 2.3. The number of notifications where there was no reason to initiate proceedings under any 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.