

INHOPE - Association of Internet Hotline Providers

Code of Practice

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PREFACE

The Internet is mostly used for legal purposes but it also offers possibilities to exchange and publicise illegal material in almost real time. In order to successfully tackle such illegal content and action, international approaches are required as national measures can only be of limited effect given the global nature of the Internet.

The mission of INHOPE is to facilitate and coordinate the work of Internet hotlines around the world in responding to illegal use and content on the Internet.

INHOPE Member Hotlines provide a mechanism for receiving reports from the public, usually via web-interface or e-mail, and have effective transparent procedures for dealing with complaints. The members of INHOPE have the support of their national government, Internet industry, law enforcement, and Internet users in the countries of operation.

In addition, members of INHOPE cooperate with other members in exchanging information about illegal content, share their expertise, make a commitment to maintain confidentiality and respect the procedures of other members.

Hotlines are an essential element to a coordinated response to the illegal and harmful use of the Internet as complaints are dealt with in an expeditious and effective manner both on the national and international level, so that appropriate action can be taken in the country where illegal material originates from.

This Code of Practice is binding on full members of INHOPE and will provide guidance for provisional members which need to comply with the Code of Practice before becoming full members.

The Code of Practice will be of interest for all external stakeholders including national Governments, EU Institutions, UN agencies, Law enforcement & the judiciary, Users, Child welfare/rights groups, Internet industry, Press and media.

INHOPE guidelines and its legal framework are not only laid down in this Code of Practice. Whereas:

- The INHOPE Statutes and Rules & Regulations are more about how INHOPE as a

corporate body operates and

- INHOPE Best Practice Papers and Technical Background papers cover specific areas of Hotline activity in-detail and in-depth

This Code of Practice specifies minimum and preferred practice and concisely reflects the principles and standards which INHOPE members aspire to.

This Code of Practice will benefit all members of INHOPE and will represent a clear statement of expectations about how INHOPE member Hotlines should operate individually and in relation to each other. This Code of Practice will establish and maintain common minimum standards for the good operation of an Internet hotline and the role and responsibilities of members of INHOPE. This Code of Practice shall publicly establish and protect the integrity of INHOPE and build confidence among external stakeholders.

1. INTERPRETATION & DEFINITIONS

For the purpose of this Code of Practice and unless otherwise stated, the capitalised words or expressions in this Code shall have the meanings set out herein. Any reference to the masculine gender shall include reference to the feminine gender and any reference to the neuter gender shall include the masculine and feminine genders and reference to the singular shall include reference to the plural. The titles or headings appearing in this Code are for reference only and shall not affect its construction or interpretation.

1. **ART I and II** - Principles of hotline operations defined by Professor Dr Herbert Burkett. ART I stands for Available, Reliable and Transparent while ART II means Accountable, Responsible and Trustworthy.
2. **Member** – Full, Provisional or Associate Member of INHOPE.
3. **Hotline** - the Department/Unit within an INHOPE Member organisation which operates the Internet Hotline accepting reports about illegal content on the Internet.
4. **Best Practice Policies** - A document adopted by the General Assembly by relevant voting procedures which is called a “Best Practice Policy” and gives detailed guidelines about how INHOPE members should behave within the area of activity specific to the document in question.
5. **Complaint** - means a grievance which can be made by any Complainant in respect of a breach of this Code by a Member.
6. **Complainant** - means a member of the public or a Member who makes a Complaint to INHOPE.
7. **Complaint Decision** - means a decision of the Executive made pursuant to a Complaints Hearing.
8. **Complaints Hearing** - means a meeting of the Complaints Panel convened for the purpose of investigating and making a decision on a Complaint.
9. **Complaints Panel** - means those persons appointed by the Executive as the Complaints Panel which shall not be less than three (3) or more than five (5) in

number including the Chairperson of the Complaints Panel.

10. **Complaints Panel Report** - means a report compiled by the Complaints Panel and more particularly described in Clause 8.7.4.
11. **Complaints Procedure** - means the Complaints Procedure set out at Clause 8 herein.
12. **Executive** - means the Executive of INHOPE (consisting of the elected board Members).
13. **Internal** - means a document, approved by hotline management, adopted by the hotline. INHOPE can request to view this document in the course of the complaints procedure on a confidential basis.
14. **Subject Member** - means a Member in receipt of a written Complaint from the Secretariat.
15. **Secretariat** - means the INHOPE Secretariat (consisting of the INHOPE staff).
16. **Services** - means hotline services provided by any Member, including but not limited to, Hotline services and information directly published by the Hotline.
17. **Suspend** - means that the Member loses the right to attend any meetings of INHOPE, loses the right to vote and cannot participate in the INHOPE mailing lists. The obligation towards Membership Fees remains unaltered.
18. **Working Days** - means normal business days excluding public and national holidays in the country where INHOPE's secretariat is operated and in the country where the Subject Member operates during business hours.

Any reference to a statute or enactment or to any sections thereof shall include any amendments thereto for the time being in force and all Statutory Instruments for the time being made, issued or given thereunder or deriving validity therefrom.

2. STATEMENT OF POLICY

1. INHOPE acknowledges that it is the role of each State to make and to enforce national and international law.
2. Hotlines must act within the law of their own countries. Compliance with the Code does not guarantee that a Hotline is acting within laws which apply to that Hotline which always take precedence to this code. Any breach of the Code by a Hotline shall not give rise to any liability if such breach is necessary to ensure compliance with laws and regulations which apply to that member.
3. This Code does not purport to cover any violations or alleged violations pertaining to disputes based on civil law, including 'competition law' or 'copyright law'.
4. This code establishes minimum standards. Members may go beyond this minimum standard if they wish. However no effort by any member to go beyond the minimum standard should be interpreted as an obligation on any other member to do the same.

3. SCOPE OF THE CODE

1. This Code shall govern the conduct of the Members of INHOPE. The application of the Code shall be uniform and applicable to all of its Members without modification or exception. A Member may not, accordingly, avoid, by contract or otherwise, the application of the Code. The Member agrees that in becoming a Member of INHOPE it shall abide by the Code.
2. The Executive or such of its Officers as it may appoint from time to time shall be responsible for the administration of the Code.
3. Whereas INHOPE may be proactive in the development of Best Practice Policies, the application of this Code by INHOPE shall be reactive.
4. The Code may be amended from time to time in the manner similar to the procedures describing internal publishing and voting changes to the Statutes. Notwithstanding this process, the Code will be raised each year at the AGM.

MINIMUM REQUIREMENTS

INHOPE requires that Members adhere to the minimum requirements set out hereunder. Breach of any of the minimum requirements shall constitute a breach of the Code.

The Minimum Requirements Section consists of Sections 4, 5 and 6.

4. GENERAL ITEMS (minimum requirements)

1. Hotlines must act within the law of their own countries.
2. INHOPE members shall co-operate with INHOPE and other INHOPE members in efforts to eliminate illegal material and activity from the Internet within their remit.
3. INHOPE may adopt Best Practice Policies on issues relevant to Hotlines. These proposed Best Practice Policies must be adopted by a 75% majority of General Assembly. Members who do not adhere to Best Practice Policies shall be deemed in breach of the Code.
4. Members must provide information or links to websites containing information for Hotline Reporters about Internet Safety.
5. Website contact details: A hotline must have contact details published on the hotline website.
6. Co-operation with Other Hotlines - Hotlines' staff should regularly attend at INHOPE meetings - Members must operate according to the Exchange of Reports BPP - Members must provide INHOPE with a point of contact to receive notices from INHOPE and other INHOPE members.
7. The INHOPE Code of Practice should be available on the INHOPE public website and this must be referenced, linked or copied and made clearly visible by all Member Hotlines .
8. Members will include on their web-sites the INHOPE logo with a link to the INHOPE web-site.

9. All members should have an English language version of their online reporting form. This allows for the clear exchange of reports from other Hotlines as English is the common language used in the INHOPE network.
10. All Members should specify on their online reporting page what types of content can be reported including Child Sexual Abuse Material.

5. PROCEDURES AND DOCUMENTATION - (minimum requirements)

1. Hotline Staff - Every hotline must have a Hotline Staff Welfare Policy - Hotline Staff members must be made aware of the Hotline Staff Welfare Policy - Every hotline must have an internal recruitment procedure
2. Clearly defined relationship with Law Enforcement a Hotline must have a published (website is acceptable) statement about the kind of the cooperation with Law Enforcement. It is preferable that this statement is developed in cooperation with relevant Stakeholders.
3. Statement of Hotline Procedures a Hotline must have a transparent statement published on the hotline website of hotline procedures of how the Hotline processes reports. This should include a statement on how reports are processed (For example: “We will assess your report according to the law in our country and if is illegal the location of the reported material will be passed to the police and if it is overseas we will forward it to the relevant INHOPE hotline”).
4. Internal Procedures a Hotline must have an internal procedures document stating how the work of the Hotline will be implemented by staff including acceptable and unacceptable activities.
5. Funding and Constitution Each Hotline must have a published statement about the formal structure, governance and funding of the Hotline.
6. Complaints Procedures Each Hotline must have a published procedure for receiving and responding to complaints made against Hotline activities. Each Hotline must have an internal procedure for receiving and responding to complaints made against Hotline staff.

6. DATA PROTECTION AND PRIVACY - (minimum requirements)

1. Members must comply with the relevant national Data Protection Act.
2. Members must have a clear and unambiguous statement about the processing and handling of personal information relating to reports, e.g. if and under what conditions anonymous reports are accepted and whether reports are dealt with confidentially.

7. PREFERRED PRACTICES

INHOPE recommends that Members adhere, where reasonably possible, to preferred practice guidelines as set out hereunder. For the avoidance of doubt, breach of any of the preferred practice guidelines shall not constitute a breach of the Code and shall not cause INHOPE to invoke the Complaints Procedure.

1. Involvement of Stakeholders
2. INHOPE recommends that Members regularly consult with the major stakeholders in their country (or countries) of operation. These stakeholders could include: Government, Law Enforcement, Internet Industry, Child Welfare, etc.
3. ART I & II principles - INHOPE recommends that Members take cognizance of the ART I and II principles of Hotline operations in the planning and management of their Hotline.
4. Data Security Policy - A hotline should have a data security policy covering personal data and the technical infrastructure of the Hotline.
5. Members should have a clear and unambiguous 'privacy statement' on their main website.
6. Members should where possible have a field on their web reporting form (minimum 512 character freetext comment box) to allow a reporter to describe what they are reporting and also more flexibility on the types of contact being reported e.g. P2P or USENET. This field could also be used by other Hotlines to make it clear that this is an inter-hotline report.

8. COMPLAINTS PROCEDURE

1. **Indemnification** - In considering Complaints, each member of the Executive and each person nominated by the Executive to the Complaints Panel is indemnified by INHOPE against any liability incurred or claim arising and made against them in the performance of their duties under the Complaints Procedure.

The INHOPE Secretary General or a staff member (nominated by the Secretary General) will represent the Secretariat in respect of any complaint notified to INHOPE.

2. **Complaint Processing by Subject Member (1)** - Where a Complainant makes a Complaint to a Member alleging that the Member has acted in breach of the Code, the Member must use reasonable endeavors' to resolve the Complaint within 10 Working Days
3. **Complaint Processing by Subject Member (2)** - Where a Complainant notifies the Secretariat of a Complaint, the Secretariat will direct the Complainant to contact the relevant Member directly if the Complainant has not already done so.
4. **Formal requirements of a Complaint (1)** - Anonymous complaints about member hotlines are not accepted by INHOPE but confidentiality within INHOPE, the Subject Member and the Complainant can be agreed.
5. **Formal requirements of a Complaint (2)** - INHOPE, at its own discretion, will not accept complaints which are inexact, unjustified, trivial or of a minor nature. The decision of INHOPE in these matters is final.
6. **Informal dispute resolution** - Where a Complainant informs the Secretariat in writing that the Complainant's Complaint has not been resolved to the Complainant's satisfaction within the procedures and time limits set out in Clause 8.2 above, the Secretariat will:

1. Attempt to resolve the Complaint informally at no administrative charge to the

Complainant within (5) Working Days;

2. If the Complaint cannot be resolved informally the Secretariat will inform the Complainant that the Complainant may ask that the Complaint be dealt with pursuant to the Complaints Procedure set out in Clause 8.7 hereunder.

7. **Formal dispute resolution** - Where a Complainant asks for a Complaint to be dealt with pursuant to the Complaints Procedure the Secretariat will, normally within seven (7) Working Days of receiving a request in writing to deal with a Complaint pursuant to the Complaints Procedure, put in place the Complaints Procedure as set out herein.

1. The Secretariat will ask the Complainant to set out the Complaint in writing and to forward the written Complaint to the Secretariat. This should include the specific section of the Code of Practice which is alleged to be breached.
2. The Secretariat, on receipt of the Complaint in writing, will forward the written Complaint to the Subject Member and will require the Subject Member to return to the Secretariat a written response to the Complaint within ten (10) Working Days of receipt of the complaint. Failure by the Subject Member to return a written response to the Secretariat within ten (10) Working Days of receipt of the complaint will be considered a breach of the Code and shall result in the Complaint being referred to the Complaints Panel and the Secretariat will notify the subject Member accordingly.
3. In the event that the Complaint is not satisfactorily resolved within fourteen (14) Working Days after receipt of the Subject Member's written response required under 8.8.2 above the Secretariat will refer the Complaint to the Complaints Panel which may then make further investigations into the Complaint in the manner deemed most appropriate and expeditious. Otherwise the Secretariat will notify the Complainant and the Subject Member or the Subject Members that the case will be closed.
4. The Complaints Panel will compile a 'Complaints Panel Report' setting out:-
 - a) The name and address of the Complainant;

- b) The name and address of the Subject Member or Subject Members;
 - c) The original Complainant's wording as set out in the Complainant's Complaint;
 - d) The manner in which the Complaints Panel investigated the Complaint to include all details of such investigation and the result of all enquiries made by the Complaints Panel into the Complaint and exhibiting copies of all documents received by the Complaints Panel,
 - e) All information available to the Complaints Panel, concerning the Complainant, the Subject Member or Subject Members and the Complaint;
 - f) The conclusions of the Complaints Panel arising out of the Complaints Panel investigations carried out concerning the Complaint.
5. In the event the Complaint is not satisfactorily resolved by this stage, the Executive will consider the Complaints Panel Report at the next appropriate Executive meeting. Any Subject Member or Complainant who is a member of the Executive or any member of the Executive who either represents the Subject Member or the Complainant shall not be present at that portion of the Executive meeting while such Complaint is being discussed and / or considered by the Executive.
6. Where the Executive determines, having considered the Complaints Panel Report, that a Subject Member is not in breach of the Code, the Board shall forthwith notify the Subject Member and the Complainant of its findings and close the case.
7. Where the Executive determines, having considered the Complaints Panel Report, that a Subject Member may be in breach of the Code, the Executive shall convene a Complaints Hearing to which it will invite the Subject Member to attend and / or be represented and the Executive will, not later than twenty-one (21) Working Days before such Complaints Hearing, furnish the Subject Member with a copy of the Complaints Panel Report.

The Executive will be entitled, at its discretion, to invite the Complainant to attend and / or to be represented at the Complaints Hearing and in which case the Executive will notify the Subject Member accordingly at least ten (10) Working Days before the Complaints Hearing.

8. The Executive will, within twenty eight (28) days after the conclusion of the Complaints Hearing, issue a Complaints Decision in writing and the Secretariat will within seven (7) Working Days thereafter provide a copy of the Complaints Decision to the Complainant and to the Subject Member.
8. The Complainant and the Subject Member accept that the decision on any Complaint rests with the Executive and the decision shall be final and conclusive. The implementation of sanction 9.1.4 is subject to a General Assembly vote.
9. The Executive may, at its discretion, refuse to adjudicate on a Complaint where the subject-matter of the Complaint is the subject of legal proceedings or where the Complaint concerns the legality of material carried on any Services or the Executive may suspend its complaints procedure pending resolution of any concerned or disputed issue or any enquiry of whatsoever nature by the Courts.
10. Where a Complaint appears to the Executive to fall within the remit of a particular external regulatory body (e.g. the relevant national Data Protection Commissioner or the relevant national Advertising Standards Authority) the Executive may on giving the Member ten (10) days notice, refer the Complaint to a named regulatory body or bodies and not adjudicate upon the Complaint or the Board may, where it deems necessary, confer with a relevant regulatory authority on giving the Member ten (10) days notice of the Board's intention to confer with the named relevant regulatory body or bodies.

9. SANCTIONS

1. Where the Executive decides, pursuant to a Complaints Hearing that a Subject Member has breached the Code, the Executive may, taking all relevant circumstances into account, impose any one or more of the sanctions set out herein.
 1. The Executive may require the Subject Member to remedy the breach of the Code within a reasonable time as agreed by the Board.
 2. The Executive may require a written assurance from the Subject Member, or any associated individual, relating to future behavior, in terms required by the Board.
 3. The Executive may suspend the Subject Member from INHOPE which can be reviewed at the next General Assembly meeting.
 4. The Executive may convene an Extraordinary General Meeting of INHOPE Members for the purpose of considering an extraordinary resolution to expel the Subject Member from INHOPE, in accordance with Article 8.2 of the Statutes of Association.
 5. The Executive may, where the Subject Member is suspended or expelled pursuant to Clauses 9.1.3 or 9.1.4 above, publicise that fact.