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ISP-LEVEL CONTENT FILTERING

BACKGROUND

The Government is proposing the introduction of ISP-level content filtering for Australian Internet users. While the details of the system have not been made public, ISP-level content filtering is used in other countries to restrict access to content the Government, for one reason or another, finds objectionable. As noted by Electronic Frontiers Australia (EFA), this has serious implications for freedom of speech in Australia (see further: <http://nocleanfeed.com/>).

APF POLICY

The Australian Privacy Foundation (APF) acknowledges the attractiveness of the notion that certain types of Internet content (e.g. child pornography) could be restricted or even eliminated. At the same time it notes that achieving that outcome would be extraordinarily difficult, and would have serious implications and embody serious risks. The APF focuses on privacy issues, and hence does not take a formal policy position on these aspects.

Further, ISP-level content filtering is likely to have severe privacy implications, and these are matters on which it is essential that the APF have a view. Our main concerns are as follows.

Opt-out register

Presumably, Internet users would have the option to opt-out of the content filtering, or parts thereof. Any register of individuals who have chosen to do so would inevitably contain sensitive personal information, and would thus have to be treated with extreme care.

Moreover, some people, possible including officers of some government agencies, might consider individuals who have opted-out to be suspicious or immoral. The identity of individuals in the register is therefore highly sensitive.

Access attempts to blocked websites

It is not clear if there is an intent (given the emerging new obligations to store data traffic) to log access attempts to blocked websites, along the line of 'person X tried to viewed banned site Z'. If such a log were kept, it is not clear whether it will be kept completely secure and protected, or basically open for scrutiny by any party at some stage.

Clearly any such data would be highly sensitive. It would be likely that some people, including officers of some government agencies, might consider individuals who attempted such accesses to be suspects of committing or attempting to commit a breach of the law, whereas some attempted accesses would be in ignorance of the content of the blocked pages, and some would be likely to be related to investigations.

The unknowns

While some of the aspects of the ISP-level content filtering that have been made public are worrying, the aspects that have not been made public are even more so. Before more of the tax payers' money is spent on this project, the Government should clarify questions such as:

- What age level would the country's Internet be made appropriate for? 15? 10? 5 years old?
- Who would decide what material is “appropriate” for Australians to see?
- Who would maintain the blacklist of prohibited sites?
- How would that data be maintained?
- Who would have the right to access that data?
- How could sites mistakenly added to the list be removed?
- How would access attempts to blocked websites be treated?
- Would they be logged?
- If yes, who would maintain such a log?
- How would that log be maintained?
- Who would have the right to access that log?

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