A New Wave of Internet Censorship May be on the Horizon

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2018 was a pivotal year for data protection. First the Cambridge Analytica scandal put a spotlight on Facebook's questionable privacy practices. Then the new Data Protection Act and the General Data Protection Regulation (GDPR) forced businesses to better handle personal data.

As these events continue to develop, 2019 is shaping up to be a similarly consequential year for free speech online as new forms of digital censorship assert themselves in the UK and EU.

Of chief concern in the UK are several initiatives within the Government's grand plan to "make Britain the safest place in the world to be online", known as the Digital Charter. Its founding document proclaims "the same rights that people have offline must be protected online." That sounds a lot like Open Rights Group's mission! What's not to like?

Well, just as surveillance programmes created in the name of national security proved detrimental to privacy rights, new Internet regulations targeting "harmful content" risk curtailing free expression.

The Digital Charter's remit is staggeringly broad. It addresses just about every conceivable evil on the Internet from bullying and hate speech to copyright infringement, child pornography and terrorist propaganda. With so many initiatives developing simultaneously it can be easy to get lost.

To gain clarity, Open Rights Group published a report surveying the current state of digital censorship in the UK. The report is broken up into two main sections – formal censorship practices like copyright and pornography blocking, and informal censorship practices including ISP filtering and counter terrorism activity. The report shows how authorities, while often engaging in important work, can be prone to mistakes and unaccountable takedowns that lack independent means of redress.

Over the coming weeks we'll post a series of excerpts from the report covering the following:

Formal censorship practices

- Copyright blocking injunctions

- BBFC pornography blocking
- BBFC requests to “Ancillary Service Providers”

Informal censorship practices

- Nominet domain suspensions
- The Counter Terrorism Internet Referral Unit (CTIRU)
- The Internet Watch Foundation (IWF)
- ISP content filtering

The big picture

Take a step back from the many measures encompassed within the Digital Charter and a clear pattern emerges. When it comes to web blocking, the same rules do not apply online as offline. Many powers and practices the government employs to remove online content would be deemed unacceptable and arbitrary if they were applied to offline publications.

Part II of our report is in the works and will focus on threats to free speech within yet another branch of the Digital Charter known as the Internet Safety Strategy.

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