

[Weekly draft 2009-10-19 – See <http://www.ourvisbyagenda.eu/our-visby-agenda/>]

Our Visby Agenda

e2015 - Empowering Democracy, Society and Business

www.ourvisbyagenda.eu

This is a draft - please comment!

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1 The role of ICT-policy

1.1 ICT as a policy area

- The discussion whether we are entering, or have already entered into an era where services are more important than 'traditional production' is no longer important since ICT affects all business.
- ICT policy today does not primarily need to focus on encouraging business and society to utilise ICT. Rather, the focus is on discussing what (existing) policies have been rendered obsolete and hinder both market and consumer driven use of ICT.
- While business and consumers have embraced many of the new capabilities which ICT have created, governments have been slow in adapting change and finding new methods of governance. Previous ICT-policy agendas have been characterised as implementation deficient. Thus, the goal for the upcoming period should be to focus on implementation and adaption. Focusing, in particular, on the role of Government itself within society.
- Focus not only on helping society to adapt ICT, but helping policy-makers of all societal areas in coping with and embracing the structural changes needed as a result of ICT. Many areas are, otherwise, likely to try to slow change and by supporting particular industries in pushing back change while keeping older business models that are no longer sustainable long term.
- Therefore, an ICT policy for the European Union is more about how policy need to adapt to the changing world, rather than how the world needs to be changed by policy.
- Another task is to enable and encourage structural change in areas that have not yet adapted to this changed environment.

1.2 The purpose of ICT-Policy

- Vilka är de övergripande perspektiven, problemen, policyn som vi sedan kan härleda allt annat ifrån?
- The balance between market and regulation – who is responsible for what (point to, as an example, to the complex Network Neutrality debate... Long from being resolved.)
- Procurement as a policy tool?
 - o Where might pre-commercial procurement be a good idea?
 - o What requirements are we allowed to make in procurement?

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- What role will EU research funding play?
- What central planning do we need? What central planning should we avoid? Both on EU-level and on country level?
- There is an overall need both to define terms and to collect more information, measurements and statistics. The lack of substantial data on things like broadband penetration using comparable metrics makes it hard to talk about EU-wide policy.
- ‘Internet statistics’ (both deployment av. Various levels, and services used, turnover and more) are collected by private and non-profit organisations. Official government statistics bodies have no resources to expand into new areas as society changes. This is very very visible in the area of measuring the growing ‘services sector/economy’, based on almost no official statistical basis. Official goals and resources needed!
- Governmental organisations should be efficient IT-users themselves. There’s much to do in public schools, hospitals and other state owned organisations, often lagging behind the commercial markets.
- The EU policy making process needs to work with the private sector, civil society and the Internet community.
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1.3 Is this the last ICT-policy?

One important question to ask is how long there is a need for a separate ICT-policy agenda. ICT has become such a vital part of our society that it can no longer (if it ever could) be regarded as something ‘apart’ from other sectors.

One aim of this agenda, hopefully the last ICT-policy as we know it, should be to help policymakers regard ICT as a part of other areas. ICT is an important part in all parts of society – a green society, increased democracy, growth and competitiveness, but should be embedded as a part of the general policies for these areas rather than a separate item.

This is the last ICT-policy, let’s make the best of it.

ICT is a duality, it is a policy area in it self, creating and stimulating the platforms we use in all other policy areas... A more generic approach in which ICT supports all sectors.

There is a need to de-IT-fy policy.

- Five year plans are problematic, too short to be visionary, too long to be implementable. There is a need to reform the policy making agenda.

2 Three perspectives on ICT-policy

2.1 ICT – Infrastructure as an empowering platform.

“Uphold the open, decentralised and dynamic nature of the Internet and the development of technical standards that enable it’s ongoing expansion and contribute towards innovation, interoperability, participation and ease of access.”

2.1.1 Developing the infrastructure

“Ensure that broadband networks and services are developed to attain the greatest practical national coverage and use.”

- Large differences between countries
- Necessary for all these other areas.

2.1.1.1 Next generation networks

- How to balance competition and incitements for investment
- After the copper? – Several different technologies
- A fiber optic backbone, and competition in the marketplace, are both a necessity for other access technologies.
- “Ensure that convergence benefits consumers and businesses, providing them choices with respect to connectivity, access and use of Internet applications, terminal devices and content, as well as clear and accurate information about the quality and costs of services.”
- Preserving the principles of mere conduit.
- Define what an Internet operator is..

2.1.1.2 Extending network into rural areas

- Shared infrastructure? Learn from developing countries - see many concrete proposals in the Economist special “Mobile Marvels” at [\http://www.economist.com/specialreports/displaystory.cfm?story_id=1448389
[6\]](#)

2.1.1.3 IPv6

“Encourage the adoption of the new version of the Internet protocol (IPv6), in particular through its timely adoption by governments as well as large private sector users of IPv4 addresses, in view of the ongoing IPv4 depletion.”

2.1.1.4 Spectrum policy

“Encourage a more efficient use of the radio frequency spectrum to facilitate access to the Internet and the introduction of new and innovative services, while taking into account public interest objectives.”

2.1.2 Internet Governance

- The Internet Governance model utilised today is working and should be supported.
- The neutrality and uncensored nature of the Internet is a threat to many governments, both within and outside of the EU.
- The EU must take an active role in this process and work in a multi-stakeholder setting in order to preserve our european values and maintain the openness of the network.

2.1.3 Access

- Should internet access be a Right?
- How long can we accept duplicate infrastructures in order to support people who “Won’t play?”
- Knowledge to use ICT, and to use it responsibly?
- E-Inclusion – meeting the needs of disabled and older people.
 - “Recognise the potential of the Internet and related technologies to provide enhanced services to people with disabilities and special needs.”
 - Rightly designed ICT has the ability to deliver services and improve the quality of life for disabled and older people, but this requires special considerations when designing products and services.
 - Standards
 - Support
 - Government setting the example.

2.1.4 Security and trust

- A robust infrastructure
- An open network will always mean security and trust issues
- Trust must be maintained in order for ICT to remain an efficient tool.
- Security problems

- Cross-EU coordination
- Cyber defence?
- *“Strengthen the resilience and security of the Internet and related networked ICT systems and devices to meet the increasing demands and needs of our economies and societies.”*
- Secure critical information infrastructures, and respond to new threats.

2.2 ICT – Empowering democracy and society

The further expansion of ICT-usage have the potential to support the free flow of information, freedom of expression, and protection of individual liberties, as critical components of a democratic society and cultural diversity. ICT enables new forms of civic engagement and participation that promote diversity of opinions and enhance transparency, accountability, privacy and trust.

2.2.1 A transparent and efficient government

“Continuing multidisciplinary work looking at the challenges and good practices of e-government and public sector transformation. - document good examples.”

Using open standards and sharing as much information as possible

How long will we keep paper-based processes and legislation? It’s time to start regard electronic communication as our main tool, rather than an exception that is sometimes also allowed. (???)

Government must work hard at allowing for all forms of communications with it’s citizens, including paper forms, physical visits, phone calls etc. But how long should paper-based communication be considered the main method?

- Remove legal restrictions on paper-only communications
- Change processes so that e-procedures are the default, and paper forms are used only when people are not able to participate in a digital way.
- One first goal should be that digital services should be in place for all procedures that could be carried out on paper by the end of this policy period.
- Make sure that technological mechanisms exists so that users on all platforms may electronically sign documents, without platform restrictions, using open standards and federated technologies.
- Becoming more transparent
- Government should pro-actively seek citizen input in all its activities from user involvement in shaping services to public participation in policy-making.

- The decision processes should be made transparent and inclusive.
- All public sector organizations should be made “transparent by default” and should provide the public with clear, regularly-updated information on all aspects of their operations and decision-making processes. There should also be robust mechanisms for citizens to highlight areas where they would like to see further transparency. When providing information, public sector organizations should do so in open, standard and reusable formats (with, of course, full regard to privacy issues).
- This will meet resistance from within the administrations as it requires more work and can therefore not be expected to happen without an active policy-making process. The implementation deficit in this area so far shows that there exists an reluctance to change.
- Government data and government services should be made available in ways that others can easily build on it.

2.2.2 Digital memory - Preserving our digital heritage

“Make public sector information and content, including scientific data, and works of cultural heritage more widely accessible in digital format.”

Archiving and preserving documents in the digital world have become a challenge yet to be addressed. If actions are not taken we will lose large parts of our heritage. Archiving printed books and documents is no longer enough to preserve history as it unfolds.

- **Create an Internet Archive**, either by building an European organisation, or by collaborating with and supporting the current Archive.org initiative.
- **Enable permanent links.** The problem of “dead links” will increase as we continuously move more communication to the Internet. An important role of an Archive is to provide a mechanism for permanent stable links, so that we in the future may see what a certain document link was referring to.
- **Store content in open formats.** Proprietary document formats will be problematic both to read and to preserve in the future. In order to be able to preserve our digital heritage it is important that all public documents are stored and published using open document formats which may be converted and interpreted in the future. This applies not only to “documents” but movies, audio transmission and all other forms of digital content.
- **Re-Convert old data continuously.** Information stored on analogue media or in proprietary formats needs to be converted before the technology used to retrieve them is no longer available, or before the medias on which they are stored on are no longer readable. If we do not act now, information will be lost forever.

- **Digitize as much as possible.** Our libraries and archives contain vast amounts of information, which are not accessible to the wide public. One example is the large repositories of newspaper microfilm that could be easily digitalised. The current initiatives for digitizing and opening up various archives to the public, such as the Open Content Alliance must be supported and encouraged. Support may include, but not be limited to financial support, active participation by national libraries, adjusting copyright legislation in order to enable the access to this content without travelling to the library.
- **Endorse the current trend for Open Access (OA)¹,** in order to make sure that the publicly funded research and cultural production becomes available to the public.
- **Connect the open archives across the European Union,** using APIs and modern technology so that citizens easily may access all these archives.

2.2.3 Improving democracy, preserving freedom of speech

- Whistleblowing
- New forms of participative democracy
- What should the public access to official documents look like (en ny offentlighetsprincip?)
- ICT is an important tool for protecting citizens rights.

2.2.4 Privacy and data protection

“Ensure the protection of digital identities and personal data as well as and the privacy of individuals online.”

Internet of things?

Review all new legislation from a privacy and integrity perspective?

The need for a more proactive data protection governance?

New regulation has been introduced over the last few years which has severe effects on privacy and data protection. These laws, such as the data retention directive (2006/24/EG), needs to be evaluated both individually and their combined impact to make sure that they are proportional and motivated.

¹ http://en.wikipedia.org/wiki/Open_access_%28publishing%29

2.3 ICT – Empowering business and innovation

ICT have the potential to empower business and innovation and lead to increased economic growth in several areas. This can be achieved by better competition, new products and services and the creation of new markets.

2.3.1 Making sure that Internet is an open platform

“Maintain an open environment that supports the free flow of information, research, innovation, entrepreneurship and business transformation.”

An open Internet lowers the thresholds. The single most important thing ICT have done is to enable anyone to launch a product or service of their own, utilising the open network, without the need to ask anyone for permission.

Keeping the Internet open and application neutral enables innovation.

2.3.2 Create an internal market for services

The internal market is not fully functional for services.

One example is the on-line music industry where different services are only allowed in different regions. This limits competition.

- Consumer protection? – *“Ensure that consumers benefit from effective consumer protection regimes and from meaningful access to fair, easy-to-use, and effective dispute resolution mechanisms, including appropriate redress for economic harm resulting from online transactions.”*
- Harmonisation of laws and regulations and processes.
- This also includes defining a lot of terms which we use in different contexts and with different understandings.
- Make as little legislation ICT-specific as possible.

2.3.3 Access to public information

Creates business opportunities by building new services using Public Sector Information (PSI)

2.3.4 The use of Open Standards in government procurement

- Enables SMEs to provide add on service.
- Stimulate the standard making process in general – open standards stimulates competition and reduces vendor lock-in.

2.3.5 Simplify identification and authentication

- A pan european, federated, identification and authentication mechanism built on open standards, easy to integrate and low transacion costs. Simplifies both for cross-border movements (applying for education in other countries), and business (knowing who you are shipping your products to).

2.3.6 Micropayments?

2.3.7 Competitive regulation?

2.4 ICT – Empowering other areas

3 Conflicting issues – The need for cooperation

Several of the issues above affect several areas and require discussion from several perspectives. In many cases the policy debate in these areas have been confused and infected due to the inabilities to identify these different underlying arguments.

3.1 Network neutrality

3.2 Intellectual property (IPR)

It is time to start re-visiting the principles of Intellectual property and start a discussion about the role of these types of regulation in the knowledge society where digital technologies challenge several assumptions underlying the IPR regulation.

A radical change in the way we regard IPR might be necessary, but will not come smoothly. We must therefore proceed both with care and thought, while not hesitating to make radical changes affecting a large part of society.

There are a number of different changes that could be considered in such a discussion:

- Even though the speed of the economy, hence the time a certain innovation carries economic value is decreasing, the protection times have been increased.
- Non-commercial uses such as digital access to libraries must be discussed. (What happens when local libraries start using digital archives?). Is it reasonable that copyright concerns in the form of DRM limit access for private use?
- IPR is based on the assumption that all intellectual property is equal. However, the use of eg. patents in different industries differ, is it reasonable that different industries with different “innovation pace”s have the same protection-times?
- How do we create an allowing culture which encourages innovation and re-use while still protecting the rights of the original innovators. (Should IPR protection for instance lead to an obligation to license?)

However, much of what is considered wrong with IP today is not only due to the regulations, but much to the way IPR-holders are using this right. A more modest use of IPR-rights, allowing participation could mitigate a lot of the current criticism.

These questions which affects all of society, combining all different sectors from microchip-production to opera-singers will not be solved in a 5 year plan, but we need to start discussing the general principles and in what direction we want the society to change.

Creative commons?

One could argue that during this discussion period, we should be very careful to extend the current regulation in time and coverage until the long term aim have been discussed.

3.3 Security vs. Openness

- S. 53 "Effective online protection of citizens and business against digital crime, malicious behaviour, inappropriate content and side-effects of digital immersion"

4 What ICT-Policy should not address and why

Using the

- **A green society and e-health.** Both ICT and environmental issues have cross-sectoral dependencies. The ICT sector have a large responsibility in creating more energy efficient ICT products and services, and it is likely that ICT may create efficiency in other sectors. But ICT-use in eg. Transport must be discussed by transport-policy rather than ICT-policy. In the same way, ICT have the potential to change the health-sector, but the initiatives must come as a result of health-policy utilizing ICT rather than ICT-policy trying to understand health-issues.
- **Ex-ante regulation** might be useful in certain well specified areas, but must not be seen as a silver bullet in order to cope with the changing world.