

[ Weekly draft 2009-10-26 – See <http://www.ourvisbyagenda.eu/our-visby-agenda/> ]

# Our Visby Agenda

e2015 - Empowering Democracy, Society and Business

*[www.ourvisbyagenda.eu](http://www.ourvisbyagenda.eu)*

This is a draft - please comment!

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# 1 The role of ICT-policy

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## 1.1 ICT as a policy area

- In order to discuss the content of ICT Policy, it is necessary to define the form of ITC policy. What is included and what is not included in ICT policy should not depend on or be navigated by what other policy areas are currently popular.
- Distinguishing whether ICT is a vertical or a horizontal policy area, focus should be kept on long-term issues and infrastructural questions which could be clearly defined in a fundamental vertical orientation.
- Horizontal measures, recognizing the integration of ICT in other policy areas and society as a whole, might very well be part of the implementation of a vertical ICT policy program. In general, issues concerning ICT in other policy areas are best solved within those areas and with respect to a distinct and transparent ICT policy program.
- ICT Policy should be goal-focused, and minimize the amount of regulation put on process and development.
- 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 adaptation. 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.

## 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?
- 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

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### 2.1 ICT – Infrastructure as an empowering platform.

It is important to 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. This will guarantee that ICT infrastructure continues to be an empowering platform for all parts of society.

#### 2.1.1 Developing the infrastructure

The reach and quality of ICT infrastructure varies greatly between the different EU-countries and the problems differ, wherefore it is difficult to provide specific policy instructions on a EU-level of what has to be done in order to extend network reach and policy.

High capacity broadband networks reaching all residents are a prerequisite for all other areas of ICT-policy. It is therefore fundamental that EU member states make efforts to **ensure that broadband networks and services are developed to attain the greatest practical national coverage and use.**

In Europe, much of the Internet connectivity today is based upon the old telecom copper network. The capacity of this infrastructure is limited and there is a need for new infrastructure enabling more high capacity.

This next generation of network infrastructure will consist of several different technologies meeting the different needs in different areas of Europe. The base infrastructure will most likely be a fibre optic backbone connecting various end-user connections, which is a necessity for other access technologies.

- **Stimulate the establishment of new network infrastructure** replacing the elderly copper network without hindering competition, mainly by establishing stable regulation, which balances competition and incitements for investments.
- The EU should **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. There is a need for deregulation in two areas as more intelligent devices lower the need for spectrum regulation. First it is important to provide open spectrum in order to foster innovation. Secondly, as much spectrum as possible should be made technology neutral.
- **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.

- Ensure that there is competition on all layers in the network.
- **Shared infrastructure** such as towers and other infrastructure is a way to lower the costs of establishing competition in rural areas. Shared infrastructure could be stimulated by regulatory frameworks or by government-sponsored infrastructure that network operators may utilize.
- The EU must **encourage the adoption of the new Internet protocol (IPv6)**. First as acting as a competent procurer making sure that all government services are reachable over IPv6. Secondly by stimulating private sector adoption by education, policy and finally, if necessary, create regulation enforcing IPv6 deployment to end-users both on service and product level.
- **Define what an Internet access provider is and its role.** An increasing amount of new regulation targets the various actors helping provide network access and services. Different regulation use different terms, both between various member states and within them. There is a need to clarify what we really mean and the different roles of these actors.
- Furthermore the principles of *Mere conduit* must be preserved. **The current directive on electronic commerce** is not clear enough on where these principles should be applied and not and therefore **needs to be reworked so that the principles mere conduit is preserved.**

### 2.1.2 Internet Governance

A working model for Internet Governance is fundamental for an efficient ICT platform. The EU has an important role to play.

The Internet Governance model utilised today is working and should be supported. The EU should be an active participant in this multi-stakeholder environment, making sure that the openness, neutrality and uncensored nature of the Internet is supported even though this is seen as a threat to many governments, both within and outside the EU.

### 2.1.3 Access

As ICT rapidly is becoming a prerequisite to accessing public services and participating in the society the question of access becomes crucial.

- This development raises the question whether **Internet access should be declared a legal right**. Several countries have held such a development back as the liability to actually provide Internet access to all citizens would be burdensome. In the long run, this cannot be avoided and should be made a

policy goal even though the timeframe and methods of achieving it will vary between member states depending on their local conditions.

- It is not only limited network reach that hinders the development; there is also a part of the population who are currently not using technology even though they might be able to. Since it is getting more and more difficult to participate in the society without ICT those who are currently not connected should be encouraged to learn.

In the short perspective there is *a need for more education and encouragement*, as Internet-based communication moves from a secondary to a primary mean of communicating *there might also be a need for special services or community offices assisting those in need*.

- Rightly designed ICT has the ability to deliver services and improve the quality of life for disabled and older people (e-inclusion), but this requires special considerations when designing products and services. **Member states should use its procurement procedures to set examples improving accessibility.** When governments procure accessible products these feature requirements will spill over to products in the private sector. The use of open standards may also enable third party software solutions targeting these user groups.

#### 2.1.4 Security and trust

An open platform will always be sensitive to security problems and trust issues, therefore this is unavoidable as long as we want to keep the infrastructure open. As long as we allow anyone to use the network, anyone may do it both in a responsible and non-responsible way. Still, in order for ICT to remain an efficient tool, people must be able to trust it. We need to 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.

- As we increasingly rely on these services, a robust and resilient infrastructure is needed. Today few have a good understanding on how they depend on ICT and where the weaknesses are. There is a need for more research, education and contingency planning in order to improve our abilities to respond to attacks and other infrastructure disturbances. We need to secure critical information infrastructures.
- As several security related incidents involves multiple member states there is a need for cross-border co-operation in this area. This is something that has been improved during the last few years but needs to be further encouraged.
- Security problems in hardware and software are mainly dealt with by the private sector. The EU should act as a responsible procurer and make sure that network

connected equipment are configured to be secure by default, that security patches are offered for free and kept separately from feature updates.

- In order to protect personal data the level of information security must be improved. The importance of this is increased with the increased use of cloud computing and Web 2.0-services where information is increasingly stored not within organizations and governments but at different solution providers. Public organisations must ensure good procedures for information security management. One way to ensure this is to encourage compliance and certification of information security management standards such as the ISO 27000. Sufficient information security must also be a requirement in public procurement of ICT systems and in the design of new systems.
- Even with proper information security, breaches will occur. Currently, there are a number of instances each year where sensitive information, such as credit-card information or other personal information is leaked and stolen. In order to encourage good practices, enable problem mitigation and build better statistics **security-breach notification laws should be considered**. Such a law would require notification when information have leaked and would give citizens the right to know that their private information is at drift.
- Finally, all open systems are vulnerable to social engineering. Raising the knowledge level of the end-users may improve the situation.

## 2.2 ICT – Empowering democracy and society

The further expansion of ICT-usage has 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. (???)

- Electronic methods of government interaction has the added benefit of enabling disabled citizens to independently take part in the dialog.

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 accessible, 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.
- Open source
- Open standards – det självklara förstavalet. Möjliggör informationsutbyte.

### 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)<sup>1</sup>,** 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.

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<sup>1</sup> [http://en.wikipedia.org/wiki/Open\\_access\\_%28publishing%29](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?**

## 3 Conflicting issues – The need for cooperation

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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

Dimensions:

- Freedom of speech
- Innovation
- Incitaments to invest
- Methods for Network Management
- Security
- Ability for Internet to evolve.

### 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?)

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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

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This policy document does not include all aspects that have been mentioned in other report. The reason for this is that we do not believe that certain issues should not belong to the field of ICT-Policy but is better managed within other policy areas.

- **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.