

ISPANZ POSITION PAPER

CONTENT BLOCKING

From time to time it is necessary to block certain internet content. An example is the Department of Internal Affairs' (DIA) Digital Child Exploitation Filtering System (DCEFS). Details can be found here:

<https://www.dia.govt.nz/Preventing-Online-Child-Sexual-Exploitation>

There has been discussion about blocking other objectionable content. See for example https://www.parliament.nz/en/pb/sc/submissions-and-advice/document/54SCPETI_EVI_130133_PETI1483/ispanz-petition-of-holly-brooker.

There has also been discussion on amending the Copyright Act to provide explicitly for website blocking injunctions and provide guidance to the courts on the granting of these injunctions and any subsequent actions.

If there is a legal requirement to block content, then ISPANZ members must comply with the law and block that content.

ISPANZ members make use of the DCEFS. Expanding the DCEFS to include all material that needs to be legally blocked is the most practical way of filtering such material. Without incurring significant costs that would have to be passed on to end customers, ISPANZ members would not have the time or skills to develop their own filtering systems. If the identification of sites to be filtered out fell to ISPs, our members would be most concerned about potential harm caused to their staff conducting the identification of objectionable sites, and to the consequent legal liability they might be exposed to. If a court were to bar particular sites then, without a centralised filtering system, that court would have to contact every ISP, and there is no central registry of ISPs.

Reliance on a filtering system developed, managed and updated by a specialist agency would therefore be necessary. It makes no sense to effectively duplicate the DCEFS to filter other illegal material. Also, if filtering becomes

mandatory, implementing a single filtering system for all illegal material would be easier than having to implement multiple filtering systems.

The simplest solution is for the existing DIA filter to be expanded to include all legally blocked content.

ISPANZ Position

It is ISPANZ's position that all legally mandated blocking of internet content should be effected through a central filter managed by DIA.

END