Declaration of the Committee of Ministers on the management of the Internet protocol address resources in the public interest

(Adopted by the Committee of Ministers on 29 September 2010
at the 1094th meeting of the Ministers' Deputies)

1. Fundamental rights and Council of Europe standards and values apply to online information and communication environments, and in particular to the Internet, as much as they do to the offline world. This stems, *inter alia*, from Article 1 of the European Convention on Human Rights ("the Convention" – ETS No. 5) whereby member states undertake to "secure to everyone within their jurisdiction" the rights and freedoms protected by the Convention (without online/offline distinction).[1]

2. The right to respect for private life and the right to freedom of expression and access to information, guaranteed respectively by Articles 8 and 10 of the Convention, are fundamental requirements in a democratic society and are highly relevant to online environments.

3. Access to Internet resources is indeed crucial for the exercise and full enjoyment of the fundamental right to freedom of expression and for access to information. The lack of users' confidence in respect of their privacy may discourage full participation in online activities.

4. The Internet has public service value, understood as people's significant reliance on the Internet as an essential tool for their everyday activities and the resulting legitimate expectation that Internet services be accessible and affordable, secure, reliable and ongoing. In co-operation with relevant stakeholders, Council of Europe member states should take all necessary measures to promote the public service value of the Internet. They should, *inter alia*, encourage the private sector to contribute to promoting the delivery of the public service value of the Internet to everyone and develop public policies to supplement the operation of market forces where these are insufficient.[2]

5. Internet protocol addresses are essential for the functioning of the Internet. Their technical architecture and allocation have a bearing on the exercise of fundamental rights and freedoms. The identification features incorporated into the Internet protocol addresses of devices used to connect to the Internet allow for the profiling of users' activities and communications. Traffic data generated as a result of the use of mobile devices and other objects connected by means of Internet protocols may be misused or subjected to unwarranted supervision.

6. To the extent that information on users' activities and communications, as well as traffic data, amount to personal data,[3] they should be treated and used in full compliance with the requirements of the right to respect for private life guaranteed under Article 8 of the Convention and the related case law of the European Court of Human Rights. The principles enshrined in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) are also relevant in this connection.

7. Internet protocol version 4 (IPv4) addresses are a scarce resource, nearing exhaustion. This poses challenges in respect of the continuing expansion of the Internet and to its ongoing functioning. It would be desirable that unallocated or unused IPv4 addresses are managed in the public interest. The objective should be to offer to everyone stable and ongoing access to Internet resources.

8. This scarcity of addresses will be resolved by the new Internet protocol version 6 (IPv6) which offers a far larger address space. In addition to its potential for triggering growth in Internet services and applications and improved built-in security, IPv6 offers an excellent opportunity to facilitate effective and equitable access for all persons to new communication services. It can also play an important part in improving access to education and knowledge. It is therefore important to support the least developed countries in building information technology infrastructures with a view to achieving an inclusive information society and bridging the digital divide.

9. However, IPv6 is not backwards compatible with IPv4. This issue should be addressed in an appropriate manner. It is important to prepare for the application of the technical parameters of IPv6 and to implement them in a timely and effective fashion in all sectors. All stakeholders, whether state authorities or non-state actors, should recognise the importance of interoperability requirements of the new protocol at both hardware and software level.

10. States can make a considerable contribution to the transition both in the context of their own responsibility for implementing IPv6 in the public sector and by fostering greater synergy among non-state actors in the adoption of IPv6 in their activities. States should, in particular, create an enabling environment for the private sector to play its growth-driving role and encourage the preparation for migration to and deployment of IPv6. This should build on existing positive institutional arrangements for Internet protocol address allocation.

11. The Committee of Ministers, therefore, declares that:

- Internet protocol address resources should be regarded as shared public resources and allocated and managed in the public interest by the entities entrusted with these tasks, taking into account the present and future needs of Internet users;

- timely and effective deployment of IPv6 in the public sector should be ensured and swift preparations for migration to and deployment of IPv6 in the private sector should be encouraged and promoted;

- as appropriate, identification features incorporated into Internet protocol addresses that are assigned to Internet users or devices connected to the Internet should be regarded and treated as personal data.

[1] Resolution "Internet governance and critical Internet resources", adopted at the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services (Reykjavik, Iceland, 28-29 May 2009).

[2] Recommendation CM/Rec(2007)16 of the Committee of Ministers to member states on measures to promote the public service value of the Internet.

[3] According to Article 2 of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) "personal data" means any information relating to an identified or identifiable individual.

Top

Related Documents

Meetings

1094th meeting of the Ministers' Deputies (CM Room) / 29 September 2010