



## **Clarification note regarding the report released on March 30th, 2016 by the Brazilian Parliamentary Commission of Inquiry on Cybercrime**

### **VERSÃO PORTUGUÊS**

The BRAZILIAN INTERNET STEERING COMMITTEE (CGI.br), after taking note of the final report of the Brazilian Parliamentary Commission of Inquiry (CPI) on Cybercrime, released on March 30, 2016, by a majority vote of its members

### **PUBLICLY STATES THE FOLLOWING**

1) CGI.br expresses great concern about the proposals of relaxation and modification of the legal framework adopted in Brazil with Law 12,965 of April 23rd, 2014 (the Civil Rights Framework for the Internet, or "Marco Civil da Internet", hereafter "Marco Civil"), in disregard of the collaborative construction process through which Marco Civil was created – a process which is internationally recognized for keeping the Internet free, open and democratic.

2) CGI.br reiterates its commitment to upholding – for the Internet in Brazil – the principles that make up CGI.br's "10 Principles for the Governance and Use of the Internet", notably

the principles of freedom of expression, privacy and human rights, as well as the preservation of the functionality, security and stability of the network, fully in line with Marco Civil.

3) CGI.br expresses its DISAGREEMENT with the draft bills of law contained in the Commission's report, which aim at modifying Law 12,965/2014 and others, through:

3.1) A proposal to amend Article 21 of Marco Civil, aiming at broadening the scope of the what is already stated by such rule, incorporating to it the notion of "crimes against honor in a nasty way" – a concept of difficult accuracy resulting in extremely subjective interpretations in the hypothesis of removal of content by private and extrajudicial notification;

3.2) An amendment proposal that aims at forcing application providers to take measures to prevent the upload of "identical or similar content" to the one which was previously removed – also a concept of difficult accuracy resulting in extremely subjective interpretations, and even preemptive censorship;

3.3) A proposal to amend existing legislation to impose the understanding that the Internet IP address shall be considered as part of personal identification data, even if it is widely known – and underscored by the global Internet technical community – that the IP number is not a fixed number that can be used for unequivocally identifying a user (as with permanent numbers of a national ID registry), since it is only an address to locate a machine, in most cases dynamically assigned in every new connection;

3.4) The proposed modification of Marco Civil that includes additional exceptions to net neutrality in Brazil, with no correlation to technical criteria and requirements, aiming at preventing access to Internet sites and applications by means of content filtering and blocking, also characterizing censorship.

4) CGI.br respectfully requests that the Commission puts the vote on the final report on hold, and renews its willingness to contribute and take part in a formal meeting with the CPI on Cybercrime, as well as any other Parliamentary Commission, in order to clarify and discuss issues as they are raised.