

2016 Internet Policy Platform

In the United States, tens of millions of people have already demonstrated strong support for internet policies that defend our online rights. A growing community of advocates and activists worked together to defeat the SOPA and PIPA Web censorship legislation in 2012. We've formed a deep grassroots coalition to oppose mass surveillance of our communications and defend the use of encryption. And we've mobilized to win Net Neutrality rules, oppose cable-industry mergers and secure broadband subsidies for low-income families.

The internet has extraordinary potential to help drive social change and improve the lives of so many so quickly. But the internet's benefits haven't been evenly distributed.¹ To ensure that the internet serves all of our communities — and doesn't further inequality or discrimination — communications policies must be rooted in the principles of free speech, access, choice, privacy, transparency and openness.

Internet users form a vast and powerful constituency that's been working together for more than a decade to protect our rights. The 2016 election cycle has highlighted the potential of a democratized internet. Communities of color are organizing online to amplify issues of concern and make their voices heard. Those who traditional media outlets have neglected, overlooked or misrepresented are speaking out with less fear of being silenced by corporate or government gatekeepers. The internet's public forum has become a central part of a national conversation that's influencing electoral politics.

This policy platform reflects the principles and priorities of millions of internet voters.

The following organizations endorse this platform and urge all candidates to support the policy goals outlined below, and to appoint people who will advance these principles and stand up for internet users and those still struggling to get online.

18 Million Rising

American Civil Liberties Union

Center for Media Justice

Center for Rural Strategies

ColorOfChange

Common Cause

Demand Progress

Fight for the Future

Free Press

Institute for Local Self-Reliance

Media Mobilizing Project

National Hispanic Media Coalition

Native Public Media

New America's Open Technology Institute

Open MIC (Open Media and Information Companies Initiative)

Public Knowledge

United Church of Christ, OC Inc.

¹ For more on the internet's role in social movements read "[The Digital CultureSHIFT: From Scale to Power](#)," Center for Media Justice, ColorOfChange, Data & Society, 2015.



Principles

There is growing consensus among internet users, digital rights advocates and activists on the principles that must guide any policymaking that affects the internet:²

Free Speech: Freedom of expression online and offline. Don't censor the internet.

Access: Universal access to fast and affordable communications platforms.

Choice: Diverse, decentralized and open infrastructure with a competitive choice of providers.

Privacy: Protect personal data and the right to communicate and access information in private.

Transparency: Shed light on the data collection and processing practices of government and online platforms.

Openness: Support Net Neutrality to prevent unreasonable discrimination against content or users; protect everyone's right to create, innovate, and share without permission.

This internet policy platform aims to promote these principles and foster a healthier and more inclusive democracy.

² A similar set of principles were established by consensus through a global series of deliberative forums over the past five years, including the [Declaration of Internet Freedom](#) in 2012 and the 2014 [Web We Want](#) proceeding convened by Sir Tim Berners-Lee, inventor of the World Wide Web.



Free Speech

Freedom of expression online and offline. Don't censor the internet.

The ability to speak freely and be heard is essential to our survival as a democratic society. This value is even more relevant at a time when more than 200 million people in the United States are not only reading, watching and listening to the media, but creating new content and communicating their own ideas via interconnected digital platforms.

The sheer scale of free speech today is without precedent. But too often, the companies that control the platforms and networks we use to communicate are under government pressure to unduly restrict or outright block our ability to speak freely.³ Throughout history, authorities around the world have sought to control the flow of information, to silence marginalized communities, discriminate against protesters, and prosecute whistleblowers — who today use the internet to expose and challenge harmful activities by authorities.

The open internet's architecture by design resists efforts by corporations and governments to interfere with our rights to connect and communicate. Our elected leaders must support policies that protect this openness and guard against censorship in its many forms.

- Oppose any policy that sacrifices our constitutional rights (including free speech, freedom of the press, the rights to assemble and petition the government) in the name of national security.
- Pursue balanced copyright law with the strongest possible protections for freedom of expression and the platforms where that expression happens; oppose efforts to force internet intermediaries to monitor or police their users.⁴
- Defend the “right to record” by opposing policies that make it illegal for people to photograph or record official and police activity when it takes place in public.⁵
- Support treating internet access providers as common carriers so they can't block, throttle or discriminate against the communications of internet users.

³ Joe MacNamee, “[The Slide from ‘Self Regulation’ to Corporate Censorship](#),” Brussels: European Digital Rights (EDRI), 2010.

⁴ See the online resources on “Intermediary Liability” at the [Stanford Center for Internet and Society](#).

⁵ See the online resources on the right to record at [American Civil Liberties Union \(ACLU\)](#), [Electronic Frontier Foundation \(EFF\)](#) and [Free Press](#).



Access

Universal access to fast and affordable communications platforms

If we want to ensure greater engagement in our civic life and shape our political future, we must remove obstacles to high-speed internet access. Unfortunately, there's a digital divide in the United States: More than 25 percent of U.S. households aren't connected to high-speed services. A disproportionately high number of those are homes in low-income communities, rural communities and communities of color.⁶

People stranded on the wrong side of the digital divide cite high broadband costs and the limited availability of broadband services as major barriers to getting online. The majority of adults who do not have home broadband service recognize that this places them at a major disadvantage when it comes to looking for jobs and accessing government services.⁷ Policymakers need to shift their emphasis to promoting not just faster speeds but affordability and competition.

The social and economic benefits of expanding access are clear and well documented.⁸ To overcome these challenges, our elected leaders need to make access to affordable, high-quality broadband services a reality for everyone.

- Open up more spectrum for uses like next generation Wi-Fi so that growth in wireless broadband continues and affordable public Wi-Fi becomes widely accessible.
- Promote and safeguard community-based and municipal broadband networks, which promise low-cost options in communities where few or no other choices exist. Challenge state legislation that either prohibits or hinders communities' ability to build their own networks.⁹
- Continue to improve the efficiency and effectiveness of the Universal Service Fund, including the Lifeline and E-Rate programs. Emphasize expanding broadband access and boosting affordability and adoption under these programs.¹⁰
- In addition to FCC and state universal service programs, explore other federal, state and local programs as well as market-based initiatives to lower users' costs and expand the choices they have.

⁶ U.S. Census Bureau, Current Population Survey, Internet Use Supplements, 2013.

⁷ Pew Research Center, [Home Broadband 2015](#), Dec. 21, 2015.

⁸ According to a 2012 [ITU study](#), expanding access to affordable broadband services has "considerable positive spillover effects on the economy," both in terms of fostering GDP growth and creating employment in the countries studied.

⁹ For a list of policies designed to promote the growth of municipal networks, see the Institute for Local Self-Reliance's [online resource](#).

¹⁰ See Free Press' [FCC comments](#) in support of modernization of the Lifeline program, 2015.



Choice

Diverse and decentralized internet with a competitive choice of providers

While more U.S. internet users are demanding faster services, the number of affordable and competitive options available has declined. According to government data, approximately 75 percent of U.S. homes have at most one choice for broadband access providing a minimum of 25 Mbps download speed. Nearly 20 percent of homes have zero choices. It's even worse for those seeking download speeds of 50 Mbps or higher: More than 82 percent of U.S. households have a "choice" of one provider at most at that speed.¹¹

Allowing a small handful of companies to dominate U.S. internet access hasn't just been bad for internet users. It's also put our country behind other developed nations in terms of broadband affordability. We need to increase the number of broadband options to make these essential services more affordable. And we have to ensure that affordable access options exist in low-income communities and communities of color that broadband incumbents often overlook.¹²

Policymakers should also reject providers' false claims that a wealth of competitive choices exists. The industry is moving in the opposite direction, favoring mergers and acquisitions over competition. The Federal Communications Commission has a congressionally mandated responsibility to "accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition." The agency needs to take this mandate seriously and oppose the drift toward monopoly.

- Oppose further consolidation of the few massive phone and cable companies that control access for the vast majority of Americans, both through FCC fulfillment of its public interest mandate and effective antitrust enforcement.
- Revisit policies that facilitate a wholesale market in "last mile" broadband networks — with multiple access options available via a single pipe into homes and businesses.¹³
- Remove other barriers to competition, often imposed by broadband incumbents, at both the middle and last mile of networks.
- Promote mobile broadband competition by taking a serious look at spectrum concentration; act to reduce the stranglehold that the two largest carriers have over the most valuable spectrum — both in upcoming license auctions and in terms of what these companies already control today.

¹¹ Remarks of FCC Chairman Tom Wheeler, "[The Facts and Future of Broadband Competition](#)," FCC, Sept. 4, 2014.

¹² For more on access in communities of color, see the Center for Media Justice's [Digital Divide Fact Sheet](#).

¹³ Wholesaling has worked in countries including the Netherlands, France and Japan. See "[Next Generation Connectivity](#)," Berkman Center for Internet and Society, October 2009.

Privacy

Protect personal information and the right to communicate in private

Online privacy is under assault from a federal, state and local surveillance apparatus, usually under the false premise of improving security. Since the 9/11 attacks, Congress has passed legislation that gives broad discretion to the National Security Agency, the Department of Homeland Security, the FBI and others to surveil and collect the private online communications of people in the United States and abroad. On the local level, police forces have ramped up the use of technology in their ongoing surveillance of Black, Latino and Muslim communities.¹⁴ Intelligence officials have also misinterpreted the law in ways that threaten our constitutional rights, including our rights to free expression, assembly, due process and privacy.

Intelligence agencies often demand a wide range of revealing information, sometimes in massive amounts, from the internet and telecommunications companies that store and transmit the personal data of millions of users. Once companies share this information with government entities, it can be used and abused in ways that threaten the rights of innocent people. Federal, state and local authorities have disproportionately used such data to target and intimidate communities of color and political activists.¹⁵ Black Lives Matter activists and protesters — including those who have merely used the #BlackLivesMatter hashtag — have been singled out by authorities for online tracking.¹⁶

Political leaders need to safeguard civil liberties. That means a full review of all surveillance-related legislation, including the Electronic Communications Privacy Act and the Foreign Intelligence Surveillance Act, that fails to adequately protect the privacy of our online communications and is ripe for abuse.

- Rescind provisions of the USA PATRIOT Act and the FISA Amendments Act that fail to protect our rights and promote transparency and accountability. Leaders should prioritize ending the FISA Amendments Act's Section 702 collection of user data.¹⁷
- Help rein in Executive Order 12333, which is being used to indiscriminately collect masses of Internet data outside the U.S. — even when that data includes some communications by people inside the U.S.¹⁸
- Oppose so-called cybersecurity legislation that indemnifies telecom providers, internet companies and social networks that turn over sensitive personal data to authorities.¹⁹
- Oppose legal limits to encryption systems that make them vulnerable to backdoor hacks and other incursions by government authorities.
- Support measures to ensure that companies that are not subject to existing federal data privacy laws are held to account for the ways they collect, use and share sensitive user information.²⁰
- Advocate for changes to the federal government's guidance for law enforcement agencies to eliminate discriminatory profiling from policing and surveillance.²¹
- Protect the right of internet users to remain anonymous online so they can freely express their beliefs without fear of repression or discrimination.

¹⁴ See the ACLU [fact sheet](#) on the New York Police Department's Muslim surveillance program.

¹⁵ Nadia Kayalli, "[The History of Surveillance and the Black Community](#)," EFF, February 2014.

¹⁶ For more on the systemic and disproportionate surveillance of communities of color, see: Emily Hong, "[Stingray Surveillance](#)," New America Weekly, March 17, 2016.

¹⁷ See the online resources on Section 702 at the [Brennan Center for Justice](#).

¹⁸ Mark Jaycox, "[A Primer on Executive Order 12333: The Mass Surveillance Starlet](#)," EFF, June 2014.

¹⁹ The most recent iteration of this type of legislation is the Cyber Information Sharing Act, or CISA, passed in late 2015. See Graeme Caldwell, "[Why You Should Be Concerned About the Cybersecurity Information Sharing Act](#)," TechCrunch, Feb. 7, 2016.

²⁰ See EPIC's [online resource](#) and the list of [supporting organizations](#) that sent a February 2014 letter to the White House calling for data privacy reforms.

²¹ The ACLU has supported efforts to amend these federal guidelines so that they more clearly prohibit discriminatory profiling both online and off. See the organization's [online resource](#).



Transparency

Shed light on the data collection and processing practices of government and online platforms

The rules that govern access to digital data are often created behind closed doors, without any public oversight or accountability. This lack of transparency is a problem both with companies that act as intermediaries for internet content — such as internet access providers, social networks and search engines — and government agencies that have access to vast databases of personal information.

It's not enough for privately owned intermediaries to have strong policies and practices when it comes to protecting user rights. They must also inform the public about these policies and practices. This includes publishing annual reports about government data requests, notifying users when the government seeks to access their data or censor certain content, and requiring a search warrant before handing over user content.

On the government side, freedom of information laws and open-government reforms can improve public access to information. But with increasing frequency, certain agencies — especially those engaged in intelligence gathering and data profiling — ignore these FOIA requests or neglect transparency reforms, preferring instead to operate in secret.

Government agencies and intermediaries should work with internet rights advocates to develop practices and policies to maintain transparent oversight of communications, prevent racial discrimination and ensure accountability.

- Support ongoing efforts to streamline agency FOIA responses, limit the overuse of FOIA exemptions and curtail over-classification of documents by federal agencies.²²
- Urge government to publish all legislation, policies and other forms of regulation relevant to internet content restriction and data collection. Likewise, intermediary companies must publish their content-restriction policies in clear and accessible formats. They should notify users of any changes to these policies before they're implemented.²³
- Publish all government transparency reports that provide specific information about content orders and requests issued to intermediaries. Similarly, intermediaries should publish transparency reports that provide specific information about actions taken in response to government requests, court orders, private complainant requests, and enforcement of content-restriction policies.

²² For more on efforts to make government agencies more accountable to FOIA requests, see EFF's "[Transparency Project](#)."

²³ For more on intermediaries and transparency, see the 2015 "[Manila Principles on Intermediary Liability](#)."

Openness

Support Net Neutrality to prevent discrimination against content or users

The internet isn't the private property of phone and cable companies. Nor is it the domain of governments. It's a network of networks (some private and some public) that depends on a common set of rules to function, transport information and connect people. Any open communications network that serves the public directly must simply transmit content — without blocking, degrading or otherwise discriminating against it unreasonably. Internet access providers are common carriers that must not tamper with the user content that flows across their pipes. It's this guideline — known as Net Neutrality — that extends free speech principles to privately owned networks, promoting the widest possible sharing of content without interference from either government or corporate gatekeepers.²⁴

Openness allows everyone to control the creation and distribution of their own images and stories without first needing to seek permission from gatekeepers. Internet openness makes online innovation possible. Permitting broadband providers to act as gatekeepers would devastate startups and technology companies that are driving jobs and the economy. The network's fundamental design allows anyone with an idea and a connection to reach a potential audience of millions. Without openness, these innovators would face an existential threat from increased tolls and decreased access to users.²⁵

The loss of openness would also harm the creative community. The internet's design lets artists reach potential audiences without the bottlenecks and gatekeepers so common in traditional arts, entertainment and music industries.²⁶ Openness gives people the power to access the information and opportunities they need to tell their own stories, hold leaders accountable, and participate in our democracy.

Opening up communications pathways is especially important for communities of color, whom mainstream media outlets have often misrepresented and mistreated.²⁷ Policies protecting internet openness must preserve the idea that the network is a space shared and shaped by its millions of users.

- Defend the FCC's Net Neutrality rules and the agency's decision to classify broadband internet access as a "telecommunications service" under Title II of the Communications Act.
- Oppose unreasonable practices, such as the use of punitive and unnecessary data caps and zero-rating schemes that favor the content and services of ISPs and their affiliates.²⁸

²⁴ ["Comments of Free Press In the Matter of Protecting and Promoting the Open Internet,"](#) p. 34, Free Press, July 17, 2014.

²⁵ Engine Advocacy, ["Letter to FCC Chairman Tom Wheeler,"](#) Feb. 18, 2015.

²⁶ Future of Music Coalition, ["Rock the Net,"](#) 2010. Also: Astra Taylor, ["Why Independent Artists Should Care About Net Neutrality,"](#) BillMoyers.com, May 13, 2014.

²⁷ For more on efforts to challenge the legacy of discrimination in traditional media see the coalition work at [Voices for Internet Freedom.](#)

²⁸ For an overview of data caps, including policy recommendations, see Public Knowledge's [online resource.](#) Also see the Open Technology Institute's June 2015 paper ["Artificial Scarcity"](#) by Danielle Kehl and Patrick Lucey.