TO BE OR NOT TO BE IDENTIFIED: HAMLET’S QUANDARY IN THE DIGITAL ERA

A short report from a thematic workshop organised by the Internet Society at the WSIS Forum on 16 May 2013 at Geneva, Switzerland.

THE PANELLISTS

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SOME PERSPECTIVES FROM THE WORKSHOP

Please note that these points reflect some of the views of particular participants and are not necessarily consensus views.

- “There are no clear cut answers, like “yes” or “no”. Hamlet was a tragic character, but this is something we cannot afford. Our approach should be one of fine-tuning, compromise, meeting half-way and avoiding harming what is working”.

Anonymity

- The Council of Europe Declaration on freedom of communication on the Internet ¹ (2003) states: “In order to ensure protection against online surveillance and to enhance the free expression of information and ideas, member states should respect the will of the users of the Internet not to

¹ https://wcd.coe.int/ViewDoc.jsp?id=37031
disclose their identity”. It also states: “This does not prevent member states from taking measures and cooperating in order to trace those responsible for criminal acts, in accordance with national law, the Convention for the Protection of Human Rights and Fundamental freedoms and other international agreements in the fields of justice and the police.”

• “Identity has always been an ambiguous concept from a cultural and philosophical perspective. We have to move carefully between anonymity and identity, back and forth. We cannot stand on any of the ends of the rope.”

• “It is an honest ghost, that let me tell you” – This is how Hamlet profiled the ghost of this father. By accepting anonymity in the virtual world, we accept ghosts, if you can admit for a moment this analogy. We may have among them dishonest ghosts and want to prevent them from causing harm to the innocent ones.”

• The right to be anonymous is an integral part of human rights, particularly with respect to individuals’ right to freedom of expression. UNESCO produced a report “Global survey on Internet privacy and freedom of expression” which provides a set of recommendations that seek to provide a balance that protects both rights and wards off ways in which privacy measures could be used to violate free speech.

• It is deep in our nature “to be seen and not seen”.

**Identification**

• The draft explanatory memorandum for the modernised version of the Council of Europe Convention for the Protection of individuals with regard to automatic processing of personal data explains:

  “Identifiable individual” means a person who can be easily identified. An individual is not considered “identifiable” if his or her identification requires unreasonable time or effort for the controller or for any other person from whom the controller could reasonably and legally obtain the identification.

  The notion of “identifiable” does not only refer to the individual’s civil identity as such but also to what may allow to “individualise” or single out one person, such as an identification number, location data, an IP address, but also physical, physiological, genetic, mental, economic, cultural or social features.

  Where an individual is not identifiable, data are said to be anonymous and are not covered by the Convention.

2 http://www.unesco.org/new/internet-privacy-and-foe
3 http://www.coe.int/t/dghl/standardsetting/dataprotection/TPD_documents/T-PD-BUR%282013%29_000108.pdf
• Identity management is becoming an increasingly important issue for the Internet economy: an issue that needs to be lifted to the leaders level (e.g. at the World Economic Forum, Davos). With connectedness, comes complexity. To solve the challenges and to take advantage of the opportunities that online identities offer, multi-stakeholder collaboration is needed. Additional work also needs to be undertaken to raise awareness across all sectors of society and to equip Internet users with the capacity to exercise better control over their identity data.

• The issues surrounding identification have always existed: they are more acute now because data is easier to collect and analyse, but also harder to manage. A commercial driver for personal data collection and use is to provide better and more relevant services to consumers. Before the age of the computer, a shop assistant might get to know a regular customer’s preferences (colour, style) and characteristics (size) and, therefore, be able to offer a more personalised experience. This approach is emulated on the Internet. It can be difficult for companies wishing “to do the right thing” to ascertain what the customer considers valuable, where the “creepy” line falls, and what is economically viable for the company itself.

• There is no perfect answer as to what is identifiable. It is context dependent.

• The issue is “to have or not to have” control over your data. The lack of legislative control has allowed companies to create a commodity out of individuals’ online identities. We are post-tsunami. We need to hand back control to users, and for those users who want it, to provide means for them to commoditise their identity for their benefit (not for the benefit of the big social media services).

• One of the other issues is that the average person does not always recognise an online identity – they call it something else (e.g. Facebook profile). Social interaction is also addictive.

• Newton’s third law of motion: “When one body exerts a force on a second body, the second body simultaneously exerts a force equal in magnitude and opposite in direction to that of the first body” is relevant to the identity space. There is a practical need to balance anonymity and identification (e.g. in situations where the perpetrator of some harm needs to be identified for justice to be delivered).

• A crypto-safe “container” on mobiles for personal data, using X.509 certificates offer promise for new solutions that give users greater control over their online identities.

• Some companies that use customer data for advertising also realise that users want greater control over their identity data – for example:
  
  o Google created the Dashboard to allow users to see what data Google has about them (limited to the users’ account/s). Google also allows users to export their data.
  o A number of different services have evolved to offer short-term email services (e.g. an email address that is valid for only 10 minutes).
  o Allowing users to create their own “identity profile” (age, location, etc.).
• In the IPO space, the default suite of questions to assess value concentrate on whether a service makes use of personal data in an indexed searchable form. Currently, the route to success is via a platform (which is by definition exclusive, or put another way, a “walled-garden” service). The next target for such new services seems to be identity.

**Profiling**

• In 2010, the Council of Europe adopted a *Recommendation on the protection of individuals with regard to automatic processing of personal data in the context of profiling*.4

**Search engines**

• Search engines have become “knowledge engines” – this implies moral/ethical responsibilities on the companies that provide those services not to manipulate the results in unethical ways or to prevent access.

• The “invisible Web” – websites that have not been indexed by the mainstream search engines – estimated to be far greater than the visible Web (*robot.txt protocol allows website owners to inform search engine crawlers not to index a site).

• There is ongoing work in the W3C on a “Do Not Track” standard.

**THANK YOU**

The Internet Society would like to express our thanks to the WSIS organisers (ITU, UNESCO, UNCTAD and UNDP), the panellists and all the participants for making this a very successful workshop.

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4 [https://wcd.coe.int/ViewDoc.jsp?id=1710949&Site=CM](https://wcd.coe.int/ViewDoc.jsp?id=1710949&Site=CM)