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# Code of Practice

**INHOPE**

# **INHOPE – Association of Internet Hotline Providers**

## ***Code of Practice Version 6.0 (incorporating GDPR compliance)***

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## Preface

The Internet is meant to be used for legitimate purposes but it also offers possibilities to exchange and publicise illegal material. Given the global nature of the Internet, and in order to successfully tackle such illegal content and take action, international approaches are required to guide and supplement national measures.

The objectives of the Association are to facilitate and promote the work of INHOPE Member Hotlines, whose work is to eradicate illegal content on the Internet.

INHOPE Member Hotlines provide a mechanism for receiving reports from the public, usually via web-interface or e-mail, and have effective transparent procedures for dealing with complaints. The members of INHOPE have the support of their national government, the online technology service provider industry, and law enforcement in the countries of operation.

In addition, members of INHOPE cooperate with other members in exchanging information about illegal content, share their expertise, make a commitment to maintain confidentiality and respect the procedures of other members.

Hotlines are an essential element to a coordinated response to the illegal and harmful use of the Internet as complaints are dealt with in an expeditious and effective manner both at the national and the international level, so that appropriate action can be taken in the country where illegal material originates from.

Transparency, confidentiality and trustworthiness form basic principles for successful cooperation and therefore should be applied in all operational matters.

The Code of Practice is a public document and will be of interest to all external stakeholders including national governments, EU Institutions, UN agencies, law enforcement & the judiciary, child welfare/rights groups, the online technology service provider industry, press and media, and Users.

INHOPE guidelines and its legal framework are not only laid down in this Code of Practice. They are also defined in the INHOPE Articles and Rules & Regulations, and INHOPE Best Practice Policy and Technical Background papers. These differ in the following ways:

- The INHOPE Articles and Rules & Regulations are more about how INHOPE as a corporate body operates; and
- INHOPE Best Practice Policy and Technical Background papers cover specific areas of hotline activities in detail and in-depth.

This Code of Practice specifies minimum, general and preferred practices and concisely reflects the principles and standards, to which INHOPE Members aspire.

This Code of Practice benefits all members of INHOPE and represents a clear statement of expectations about how INHOPE Member Hotlines should operate individually and in relation to other INHOPE Member Hotlines. This Code of Practice also establishes and maintains common minimum standards for the good operation of an Internet hotline and the role and responsibilities of members of INHOPE. This Code of Practice shall publicly establish and protect the integrity of INHOPE and build confidence among external stakeholders.

## I. Interpretations and Definitions

For the purpose of this Code of Practice and unless otherwise stated, the capitalised words or expressions in this Code shall have the meanings set out herein. Any reference to the neuter gender shall include the masculine and feminine genders and reference to the singular shall include reference to the plural. The titles or headings appearing in this Code are for reference only and shall not affect its construction or interpretation.

1. **Best Practice Policies** - a document adopted by the General Assembly by relevant voting procedures which is called a "Best Practice Policy" and gives detailed guidelines about how INHOPE Members should behave within the area of activity specific to the document in question.
2. **Complainant** - a member of the public or a member of INHOPE who makes a Complaint to INHOPE.
3. **Complaint** - a grievance which can be made by any Complainant in respect of a breach of this Code.
4. **Complaint Decision** - a decision of the Executive Committee made pursuant to a Complaints Hearing.
5. **Complaints Hearing** - a meeting of the Complaints Panel convened for the purpose of investigating and making a decision on a Complaint.
6. **Complaints Panel** - those persons appointed by the Executive Committee as the Complaints Panel which shall not be less than three (3) or more than five (5) in number including the Chairperson of the Complaints Panel.
7. **Complaints Panel Report** - a report compiled by the Complaints Panel and more particularly described in Clause VII.7.4.
8. **Complaints Procedure** - the Complaints Procedure set out in Clause VII. Herein.
9. **Data Protection Officer** - the person designated to carry out all tasks related to the protection of personal data at INHOPE.
10. **Executive Committee** - the Executive Committee of INHOPE Association (consisting of the elected Board Members).
11. **Hotline** - the Department/Unit within an INHOPE Member organisation which operates the Internet hotline accepting reports about illegal content on the Internet.
12. **Internal** - a document, approved by hotline management, adopted by the hotline. INHOPE may request to

view this document in the course of the complaints procedure or a quality audit on a confidential basis.

13. **Member** – a Full or Provisional Member of INHOPE.
14. **Secretariat** - the INHOPE Secretariat (consisting of the INHOPE staff).
15. **Services** - services provided by any Member including but not limited to, Hotline services and information directly published by the hotline.
16. **Subject** - a Member in receipt of a written Complaint from the Secretariat.
17. **Suspend** - means that the Member loses the right to attend any meetings of INHOPE, loses the right to vote and cannot participate in the INHOPE mailing lists. The obligation towards Membership Fees remains unaltered.
18. **Working Days** - normal business days excluding public and national holidays in the country where INHOPE's secretariat is operated and in the country where the Subject Member operates during business hours.

## **II. Statement of Policy**

1. INHOPE acknowledges that it is the role of each State to make and enforce national and international law.
2. Hotlines must act within the law of their own countries. Compliance with the Code does not guarantee that a hotline is acting within national law, which always takes precedence over this Code. Any breach of the Code by a hotline shall not give rise to any liability if such breach is necessary to ensure compliance with laws and regulations that apply to that hotline.
3. This Code does not purport to cover any violations or alleged violations pertaining to disputes based on civil law, including 'competition law' or 'copyright law'.
4. This code establishes minimum standards. Members may go beyond this minimum standard if they wish. However no effort by any Member to go beyond the minimum standard should be interpreted as an obligation on any other Member to do the same.



### **III. Scope of Conduct**

1. This Code shall govern the conduct of the members of INHOPE. The application of the Code shall be uniform and applicable to all of its Members without modification or exception. A Member may not, accordingly, avoid, by contract or otherwise, the application of the Code. The Member agrees that in becoming a Full Member of INHOPE it shall abide by the Code. INHOPE requires that Provisional Members adhere to the minimum requirements and General Requirements and shall strive to implement the Preferred Practices of the Code to the best possible extent.
2. The Executive Committee or entrusted staff of the INHOPE secretariat shall be responsible for the administration of the Code.
3. The Code may be amended from time to time in accordance with Article 21.3 (f) INHOPE Association.
4. The Code refers to Best Practice Policies on issues relevant to hotlines. INHOPE may adopt Best Practice Policies on issues relevant to hotlines. The adoption or change of a Best Practice Policy requires a two thirds majority vote of all Members and at least two thirds of the total number of Members are present at the General Assembly.:

## **IV. Minimum Requirements – General Items**

INHOPE requires that Provisional Members & Full Members adhere to the minimum requirements set out hereunder. Breach of any of the minimum requirements shall constitute a breach of the Code.

1. Hotlines must act within the law of their own countries.
2. Hotlines shall cooperate with each other in efforts to eliminate Illegal material and activity from the Internet within their remit and exchange reports with the competent national hotline.
3. Hotlines must provide INHOPE with a point of contact to receive notices from INHOPE.
4. Hotlines must have a security protocol to ensure that the sensitive data they process is secure. The room(s) in which the hotline work takes place must be secure and staff not dealing with hotline work must not be exposed to hotline material.
5. Every INHOPE Member Hotline must comply fully with INHOPE's Best Practice Policy on Exchange of Reports.
6. INHOPE Member Hotlines participating in ICCAM must, without undue delay, inform the INHOPE secretariat in case of a serious interruption of operations. In case of suspicion of breaches of data security provisions, the login data for ICCAM gets lost, stolen or in any other way gets known by a third party, or any other irregularity in processing the URLs within ICCAM, INHOPE Member Hotlines participating in ICCAM must inform the Data Protection Officer within 24 hours.
7. Imagery taken at INHOPE events need prior consent of the persons shown on the imagery before publication takes place. Personal data of the hotline analysts, e.g. names and addresses, are confidential and must not be disclosed to third parties.
8. INHOPE requires that Members regularly consult with the major stakeholders in their country (or countries) of operation. These stakeholders may include: Government, Law Enforcement, Internet Industry, Child Welfare, etc.

## V. General Requirements

INHOPE requires that Full Members and Provisional Members adhere to the general requirements. Breach of any of the general requirements shall constitute a breach of the Code.

1. Members who do not adhere to Best Practice Policies adopted by the INHOPE General Assembly shall be deemed in breach of the Code.
2. Members must provide information or links to websites containing information for Hotline Reporters about Internet Safety.
3. Hotlines must have contact details published on the hotline website.
4. Hotline staff should regularly attend and contribute to INHOPE meetings.
5. The INHOPE Code of Practice should be available on the INHOPE public website and this must be referenced, linked or copied and made clearly visible by all Member Hotlines.
6. Members will include on their web-sites the INHOPE logo with a link to the INHOPE web-site.
7. Members shall set up an English language version of their online reporting form. This allows for the clear exchange of reports from other Hotlines as English is the common language used in the INHOPE network.
8. Members should specify on their online reporting page what types of content can be reported including Child Sexual Abuse Material.
9. Hotline Staff:
  - a. Hotlines must have a Hotline Staff Welfare Policy
  - b. Hotline staff must be made aware of the Hotline Staff Welfare Policy and INHOPE information paper on Staff welfare.
  - c. Hotlines must have an internal recruitment procedure.
10. Hotlines must have a published (website is acceptable) statement about their cooperation with Law Enforcement. It is preferable that this statement is developed in cooperation with relevant stakeholders.
11. Hotlines must have a transparent statement of hotline procedures published on the hotline website. This

should include a statement on how reports are processed (For example: “We will assess your report according to the law in our country and if it is illegal the location of the reported material will be passed to the police and if it is overseas we will forward it to the relevant INHOPE hotline”).

12. Hotlines must have an internal procedures document stating how the work of the hotline will be implemented by staff including acceptable and unacceptable activities.
13. Hotlines must have a published statement about the formal structure, governance and funding of the hotline.
14. Complaints Procedures:
  - d. Hotlines must have a published procedure for receiving and responding to complaints made against hotline activities.
  - e. Hotlines must have an internal procedure for receiving and responding to complaints made against hotline staff.
15. Hotlines must comply with the relevant national Data Protection Act.
16. Hotlines should have a data security policy covering personal data and the technical infrastructure of the hotline.
17. Hotlines must have a clear and unambiguous privacy statement published on their main website about the processing and handling of personal information relating to reports, e.g. if and under what conditions anonymous reports are accepted and whether reports are dealt with confidentially.

## **VI. Preferred Practices**

INHOPE recommends that Full Members adhere, where reasonably possible, to preferred practice guidelines as set out hereunder. INHOPE requires, that Provisional Members shall strive to implement the General Requirements and Preferred Practices of the Code to the best possible extent. For the avoidance of doubt, breach of any of the preferred practice guidelines shall not constitute a breach of the Code and shall not cause INHOPE to invoke the Complaints Procedure.

1. Members should have a clear and unambiguous 'privacy statement' on their main website.
2. Members should, where possible, have a field on their web reporting form (minimum 512 character free text comment box) to allow a reporter to describe what they are reporting as well as some flexibility on the types of contact being reported e.g. P2P or USENET. This field could also be used by other hotlines to make it clear that this is an inter-hotline report.
3. Members should make their hotline website as user friendly as possible.
4. Members should enhance the visibility of the hotline among the general public.
5. INHOPE recommends that Members operate the hotlines in line with state of the art practices of planning and management. Further, Members apply the principles of transparency, accountability, responsibility and trustworthiness in the hotline operations.

## VII. Complaints Procedure

1. **Indemnification:** In considering Complaints, each member of the Executive Committee and each person nominated by the Executive Committee to the Complaints Panel is indemnified by INHOPE against any liability incurred or claims arising and made against them in the performance of their duties under the Complaints Procedure.

The INHOPE Secretary (Article 13 INHOPE Association) will represent the Secretariat in respect of any complaint notified to INHOPE.

2. **Complaint Processing by Subject**

- a) Where a Complainant makes a Complaint to a Member alleging that the Member has acted in breach of the Code, the Member must use reasonable endeavours to resolve the Complaint within 10 Working Days.
- b) Where a Complainant notifies the Secretariat of a Complaint, the Secretariat will direct the Complainant to contact the relevant Member directly if the Complainant has not already done so.

3. **Formal requirements of a Complaint**

- a) Anonymous complaints about hotlines are not accepted by INHOPE
- b) INHOPE, at its own discretion, will not accept complaints which are inexact, unjustified, trivial or of a minor nature. The decision of INHOPE in these matters is final.

4. **Informal dispute resolution:** Where a Complainant informs the Secretariat in writing that the Complainant's Complaint has not been resolved to the Complainant's satisfaction within the procedures and time limits set out in Clause VII. 2 above, the Secretariat will:

- a) Attempt to resolve the Complaint informally at no administrative charge to the Complainant within five (5) working days;
- b) If the Complaint cannot be resolved informally the Secretariat will inform the Complainant that the Complainant may ask that the Complaint be dealt with pursuant to the Complaints Procedure set out in Clause VII.7 hereunder.

7. **Formal dispute resolution:** Where a Complainant asks for a Complaint to be dealt with pursuant to the Complaints Procedure the Secretariat will, normally within seven (7) working days of receiving a request in

writing to deal with a Complaint pursuant to the Complaints Procedure, put in place the Complaints Procedure as set out herein.

- a) The Secretariat will ask the Complainant to set out the Complaint in writing and to forward the written Complaint to the Secretariat. This should include the specific section of the Code of Practice which is alleged to be breached.
- b) The Secretariat, on receipt of the Complaint in writing, will forward the written Complaint to the Subject and will require the Subject to return to the Secretariat a written response to the Complaint within ten (10) working days of receipt of the complaint. Failure by the Subject to return a written response to the Secretariat within ten (10) working days of receipt of the complaint will be considered a breach of the Code and shall result in the Complaint being referred to the Complaints Panel and the Secretariat will notify the Subject accordingly.
- c) In the event that the Complaint is not satisfactorily resolved within fourteen (14) working days after receipt of the Subject's written response, required under VII.7.2 above, the Secretariat will refer the Complaint to the Complaints Panel which may then make further investigations into the Complaint in the manner deemed most appropriate and expeditious. Otherwise the Secretariat will notify the Complainant and the Subject or the Subjects that the case will be closed.
- d) The Complaints Panel will compile a 'Complaints Panel Report' setting out:-
  - i) The name and address of the Complainant;
  - ii) The name and address of the Subject or Subjects;
  - iii) The original Complainant's wording as set out in the Complainant's Complaint;
  - iv) The manner in which the Complaints Panel investigated the Complaint to include all details of such investigation and the result of all enquiries made by the Complaints Panel into the Complaint and exhibiting copies of all documents received by the Complaints Panel,
  - v) All information available to the Complaints Panel, concerning the Complainant, the Subject or Subjects and the Complaint;
  - vi) The conclusions of the Complaints Panel arising out of the Complaints Panel investigations carried out concerning the Complaint.
- e) In the event the Complaint is not satisfactorily resolved by this stage, the Executive will consider the Complaints Panel Report at the next appropriate Executive meeting. Any Subject or

Complainant who is a member of the Executive or any member of the Executive who either represents the Subject or the Complainant shall not be present at that portion of the Executive meeting while such Complaint is being discussed and/or considered by the Executive.

- f) Where the Executive determines, having considered the Complaints Panel Report, that a Subject is not in breach of the Code, the Board shall forthwith notify the Subject and the Complainant of its findings and close the case.
- g) Where the Executive determines, having considered the Complaints Panel Report, that a Subject may be in breach of the Code, the Executive shall convene a Complaints Hearing to which it will invite the Subject to attend and / or be represented and the Executive will, not later than twenty-one (21) Working Days before such Complaints Hearing, furnish the Subject with a copy of the Complaints Panel Report.

The Executive will be entitled, at its discretion, to invite the Complainant to attend and / or to be represented at the Complaints Hearing and in which case the Executive will notify the Subject accordingly at least ten (10) Working Days before the Complaints Hearing.

- h) The Executive will, within twenty eight (28) days after the conclusion of the Complaints Hearing, issue a Complaints Decision in writing and the Secretariat will within seven (7) Working Days thereafter provide a copy of the Complaints Decision to the Complainant and to the Subject.
8. The Complainant and the Subject accept that the decision on any Complaint rests with the Executive and the decision shall be final and conclusive. The implementation of sanction IX.1.4 is subject to a General Assembly vote.
  9. The Executive may, at its discretion, refuse to adjudicate on a Complaint where the subject-matter of the Complaint is the subject of legal proceedings or where the Complaint concerns the legality of material carried on any Services or the Executive may suspend its complaints procedure pending resolution of any concerned or disputed issue or any enquiry of whatsoever nature by the Courts.
  10. Where a Complaint appears to the Executive to fall within the remit of a particular external regulatory body (e.g. the relevant national Data Protection Commissioner or the relevant national Advertising Standards Authority) the Executive may on giving the Subject ten (10) days' notice, refer the Complaint to a named regulatory body or bodies and not adjudicate upon the Complaint, or the Board may, where it deems necessary, confer with a relevant regulatory authority on giving the Subject ten (10) days' notice of the Board's intention to confer with the named relevant regulatory body or bodies.



## **VIII. Quality Audits of Full Members**

INHOPE has the option but not an obligation to perform quality audits of members to verify compliance with this Code of Practice and INHOPE Best Practice Policies.

## **IX. Sanctions**

1. Where the Executive Committee decides, pursuant to a Complaints Hearing that a Subject has breached the Code, the Executive Committee may, taking all relevant circumstances into account, impose any one or more of the sanctions set out herein.
2. The Executive Committee may require the Subject to remedy the breach of the Code within a reasonable time as agreed by the Board.
3. The Executive Committee may require a written assurance from the Subject, or any associated individual, relating to future behaviour, in terms required by the Board
4. The Executive Committee may suspend the Subject from INHOPE, which can be reviewed at the next General Assembly meeting.
5. The Executive may convene an Extraordinary General Meeting of INHOPE Members for the purpose of considering an extraordinary resolution to expel the Subject from INHOPE, in accordance with Article 10(2) of the Articles of Association.
6. The Executive Committee may, where the Subject is suspended or expelled pursuant to Clauses IX.1.4 or IX.1.5 above, publicise that fact.
7. The Executive Committee may suspend the Subject from participation in ICCAM if a breach against the ICCAM Policies and Procedures document has been found which can be reviewed at the next General Assembly meeting.