

January 5, 2018

Mr. Craig Kelly MP
Chair, Joint Committee On Law Enforcement
Parliament House
Parliament Drive, Canberra ACT 2600
Australia

Re: Inquiry into the impact of new and emerging ICT

Dear Chairman Craig Kelly,

Thank you for the opportunity to make a submission to the Committee's Inquiry.

We are more than 300 individuals, organizations and companies from more than 50 countries. We write today to urge you to protect the security of Australian citizens, economies, and institutions by supporting the development and use of secure communications tools and technologies, rejecting policies that would prevent or undermine the use of strong encryption, and urging others to do the same.

Encryption tools, technologies, and services are essential to protect against harm and to shield our digital infrastructure and personal communications from unauthorized access. The ability to freely develop and use encryption provides the cornerstone for today's global economy. Economic growth in the digital age is powered by the ability to trust and authenticate our interactions and communicate and conduct business securely, both within and across borders.

Some of the most noted technologists and experts on encryption recently explained that laws or policies that undermine encryption would "force a U-turn from the best practices now being deployed to make the Internet more secure," "would substantially increase system complexity" and raise associated costs, and "would create concentrated targets that could attract bad actors."¹ The absence of encryption facilitates easy access to sensitive personal data, including financial and identity information, by criminals and other malicious actors. Once obtained, sensitive data can be sold, publicly posted, or used to blackmail or embarrass an individual. Additionally, insufficiently encrypted devices or hardware are prime targets for criminals.

The United Nations Special Rapporteur for freedom of expression has noted, "encryption and anonymity, and the security concepts behind them, provide the privacy and security necessary for the exercise of the right to freedom of opinion and expression in the digital age."² As we move toward connecting the next billion users, restrictions on encryption in any country will likely have global impact. Encryption and other anonymizing tools and technologies enable lawyers, journalists, whistleblowers, and organizers to

¹ Harold Abelson et al., *Keys Under Doormats: mandating insecurity by requiring government access to all data and communications*, Massachusetts Institute of Technology Technical Report (July 6, 2015).

² *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, Human Rights Council, U.N. Doc.A/HRC/29/32 (May 22, 2015) (by David Kaye).

communicate freely across borders and to work to better their communities. It also assures users of the integrity of their data and authenticates individuals to companies, governments, and one another. We encourage you to support the safety and security of users by strengthening the integrity of communications and systems. All governments should reject laws, policies, or other mandates or practices, including secret agreements with companies, that limit access to or undermine encryption and other secure communications tools and technologies. Users should have the option to use – and companies the option to provide - the strongest encryption available, including end-to-end encryption, without fear that governments will compel access to the content, metadata, or encryption keys without due process and respect for human rights. Accordingly:

- The government should not ban or otherwise limit user access to encryption in any form or otherwise prohibit the implementation or use of encryption by grade or type;
- The government should not mandate the design or implementation of “backdoors” or vulnerabilities into tools, technologies, or services;
- The government should not require that tools, technologies, or services are designed or developed to allow for third-party access to unencrypted data or encryption keys;
- The government should not seek to weaken or undermine encryption standards or intentionally influence the establishment of encryption standards except to promote a higher level of information security. No government should mandate insecure encryption algorithms, standards, tools, or technologies; and
- The government should not, either by private or public agreement, compel or pressure an entity to engage in activity that is inconsistent with the above tenets.

Strong encryption and the secure tools and systems that rely on it are critical to improving cybersecurity, fostering the digital economy, and protecting users. Our continued ability to leverage the internet for global growth and prosperity and as a tool for organizers and activists requires the ability and the right to communicate privately and securely through trustworthy networks.

We look forward to working together toward a more secure future.

Sincerely,

18MillionRising.org
Access Now
ACI-Participa
Advocacy for Principled Action in Government
Alternative Informatics Association
Alternatives
Alternatives Canada
Alternatives International
American Civil Liberties Union
American Library Association
Amnesty International
ARTICLE 19

La Asociación Colombiana de Usuarios de Internet

Instituto Nupef
International Civil Liberties Monitoring Group
the International Modern Media Institute (IMMI)
International Peace Bureau
International Press Institute
Internet Democracy Project
IIS (The Internet Infrastructure Foundation)
Internet Policy Observatory Pakistan
Internet Sans Frontières
Internet Society (ISOC)
Internet Society Almaty Kazakhstan Chapter
Internet Society-CAT Capítol Català de la Internet Society
Internet Society Costa Rica Chapter

Asociación por los Derechos Civiles	Internet Society Finland
Asociatia pentru Tehnologie si Internet (ApTI)	Internet Society Hong Kong
Associated Whistleblowing Press	Internet Society India Chennai
Association for Progressive Communications (APC)	Internet Society India Trivandrum Chapter (ISOC-TRV)
Association for Proper Internet Governance	Internet Society - Italy Chapter
Australian Lawyers for Human Rights	Internet Society Japan Chapter
Australian Privacy Foundation	Internet Society Malaysia Chapter
Benetech	Internet Society Netherlands Chapter
Berlin Forum on Global Politics (BFoGP)	Internet Society Portugal
Big Brother Watch	Internet Society Switzerland Chapter
Bill of Rights Defense Committee	Internet Society UK England
Bits of Freedom	Internet Society Uruguay Chapter
Blueprint for Free Speech	the InterPlanetary Networking Chapter of the Internet Society
	IPDANDETEC
Bolo Bhi	IT for Change
Brazilian Chapter of Internet Society (ISOC-BR)	IT-Political Association of Denmark
Canadian Access and Privacy Association	Jonction
Canadian Journalists for Free Expression	Jordan Open Source Association
Center for Democracy and Technology	Just Net Coalition (JNC)
Center for Digital Democracy	Karisma Foundation
Center for Financial Privacy and Human Rights	Keyboard Frontline
the Center for Internet and Society (CIS)	Korean Progressive Network Jinbonet
Center for Media Data and Society at the School of Public Policy of Central European University	
Center for Technology and Society at FGV Rio Law School	Kristshell Networks
the Centre for Communication Governance at National Law University Delhi	Latin American Center for Internet Research
Chaos Computer Club	Liberty
Città di San Benedetto del Tronto	Linux Australia
CivSource	Localization Lab
Coalizione Italiana per le Libertà e i Diritti Civili	Mageia.Org
Committee to Protect Journalists	Media Alliance
Constitutional Alliance	Modern Poland Foundation
Constitutional Communications	Movimento Mega
Consumer Action	Myanmar ICT for Development Organization (MIDO)
	Net Users' Rights Protection Association (NURPA)
Consumer Federation of America	New America's Open Technology Institute
	The New Objective Collective
Consumer Watchdog	Niskanen Center
ContingenteMX	The Norwegian Chapter of the Internet Society
The Courage Foundation	Norwegian UNIX User Group (NUUG)
Crítica	One World Platform Foundation
Crypto Australia	OpenMedia
Crypto.Quebec	
DAGONIA - INCUBADORA CRIATIVA DO ALTO MINHO	Open Net Korea
Datapanik.org	Open Rights Group
Defending Dissent Foundation	Panoptikon Foundation
Digitalcourage	

Digitale Gesellschaft	Paradigm Initiative Nigeria
Digital Empowerment Foundation	Patient Privacy Rights
Digital Rights Foundation	PEN American Center
DSS216	PEN International
Electronic Frontier Finland	Pirate Parties International
Electronic Frontier Foundation	Point of View
Electronic Frontier Norway (EFN)	Privacy and Access Council of Canada
Electronic Frontiers Australia	Privacy and Big Data Institute
Electronic Privacy Information Center	Privacy International
Engine	Privacy Rights Clearinghouse
Enjambre Digital	Privacy Times
eQuallit.ie	Protection International
The Equality Council	la Quadrature du Net
Eticas Research and Consulting	R3D (Red en Defensa de los Derechos Digitales)
European Digital Rights	R Street Institute
Fight for the Future	Reinst8
Filtrala	Reporters Sans Frontiers
Föreningen för digitala fri- och rättigheter (DFRI)	Restore the Fourth
Forum Tunisien des Droits Economiques et Sociaux (FTDES)	Rocky Mountain Civil Liberties Association
Foundation for Internet and Civic Culture (Thai Netizen Network)	RootsAction.org
Freedom House	RosKomSvoboda
Freedom of the Press Foundation	Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC)
Freedom to Read Foundation	Security First
Free Press	SFLC.in
Free Press Unlimited	Share Foundation
Free Software Foundation	Simply Secure
Free Software Foundation Europe	Social Action Centre NGO
Fundacion Acceso	Social Media Exchange (SMEX)
Future of Privacy Forum	SonTusDatos (Artículo 12 A.C.)
Future Wise	Student Net Alliance
the Global Network Initiative (GNI)	Sursiendo Comunicación y Cultura Digital
Global Partners Digital	Swiss Open Systems User Group /ch/open
Global Voices Advox	TechFreedom
Globe International Center	the Tor Project
Government Accountability Project	Tully Center for Free Speech at Syracuse University
Hack for Privacy	Usuarios Digitales
HackDefendr Security Research LLC	Viet Tan
Hermes Center for Transparency and Digital Human Rights	Vrijschrift
Hiperderecho	WITNESS
Hivos	World Privacy Forum
Human Rights Foundation	World Wide Web Foundation
Human Rights Watch	X-Lab
Hungarian Civil Liberties Union	Xnet
Institute for Technology and Society of Rio (ITS Rio)	Zavod Državljan D
Instituto Demos	Zimbabwe Human Rights Forum

Afekt Media
Array
BlaBlanet Social Network
CloudFlare
Computer & Communications Industry Association
DuckDuckGo
Eticas Research and Consulting
HackerOne
HasGeek
Hobbyist Software Ltd.
INFOSECSW, Inc.
Internet Association
Internet Infrastructure Coalition (i2coalition)
IPVanish
Ixquick.com

Kanawha IT Security
MediaNama
Neurocrypto LLC
PrivaSecTech
Private Internet Access
QRTalk
Raketu
Silent Circle
Sinodun Internet Technologies Ltd.
Sonic
Startmail.com
Startpage.com
TurnKey GNU/Linux
Xalto.net
Zygii Tecnologia

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AHM Bazlur Rahman
Md Rezaur Rahman
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Phillip Rogaway
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Adam Shostack
Kawsu Sillah
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Eric King
John Kiriakou
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