

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
Asociatia pentru Tehnologie si Internet (ApTI)
Associated Whistleblowing Press
Association for Progressive Communications (APC)
Association for Proper Internet Governance
Australian Lawyers for Human Rights
Australian Privacy Foundation
Benetech
Berlin Forum on Global Politics (BFoGP)
Big Brother Watch
Bill of Rights Defense Committee
Bits of Freedom
Blueprint for Free Speech

Bolo Bhi
Brazilian Chapter of Internet Society (ISOC-BR)
Canadian Access and Privacy Association
Canadian Journalists for Free Expression
Center for Democracy and Technology
Center for Digital Democracy
Center for Financial Privacy and Human Rights
the Center for Internet and Society (CIS)
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
the Centre for Communication Governance at National Law University Delhi
Chaos Computer Club
Città di San Benedetto del Tronto
CivSource
Coalizione Italiana per le Libertà e i Diritti Civili
Committee to Protect Journalists
Constitutional Alliance
Constitutional Communications
Consumer Action

Consumer Federation of America

Consumer Watchdog
ContingenteMX
The Courage Foundation
Crítica
Crypto Australia
Crypto.Quebec
DAGONIA - INCUBADORA CRIATIVA DO ALTO MINHO
Datapanik.org
Defending Dissent Foundation
Digitalcourage

Internet Society Finland
Internet Society Hong Kong
Internet Society India Chennai
Internet Society India Trivandrum Chapter (ISOC-TRV)
Internet Society - Italy Chapter
Internet Society Japan Chapter
Internet Society Malaysia Chapter
Internet Society Netherlands Chapter
Internet Society Portugal
Internet Society Switzerland Chapter
Internet Society UK England
Internet Society Uruguay Chapter
the InterPlanetary Networking Chapter of the Internet Society
IPDANDETEC
IT for Change
IT-Political Association of Denmark
Junction
Jordan Open Source Association
Just Net Coalition (JNC)
Karisma Foundation
Keyboard Frontline
Korean Progressive Network Jinbonet

Kristshell Networks

Latin American Center for Internet Research

Liberty
Linux Australia
Localization Lab
Mageia.Org
Media Alliance
Modern Poland Foundation
Movimento Mega
Myanmar ICT for Development Organization (MIDO)
Net Users' Rights Protection Association (NURPA)
New America's Open Technology Institute
The New Objective Collective
Niskanen Center
The Norwegian Chapter of the Internet Society
Norwegian UNIX User Group (NUUG)
One World Platform Foundation
OpenMedia

Open Net Korea
Open Rights Group
Panoptikon Foundation

Digitale Gesellschaft
Digital Empowerment Foundation
Digital Rights Foundation
DSS216
Electronic Frontier Finland
Electronic Frontier Foundation
Electronic Frontier Norway (EFN)
Electronic Frontiers Australia
Electronic Privacy Information Center
Engine
Enjambre Digital
eQuallit.ie
The Equality Council
Eticas Research and Consulting
European Digital Rights
Fight for the Future
Filtrala
Föreningen för digitala fri- och rättigheter (DFRI)
Forum Tunisien des Droits Economiques et
Sociaux (FTDES)
Foundation for Internet and Civic Culture (Thai
Netizen Network)
Freedom House
Freedom of the Press Foundation

Freedom to Read Foundation
Free Press
Free Press Unlimited
Free Software Foundation
Free Software Foundation Europe
Fundacion Acceso
Future of Privacy Forum
Future Wise
the Global Network Initiative (GNI)
Global Partners Digital
Global Voices Advox
Globe International Center
Government Accountability Project

Hack for Privacy
HackDefendr Security Research LLC
Hermes Center for Transparency and Digital
Human Rights
Hiperderecho
Hivos
Human Rights Foundation
Human Rights Watch
Hungarian Civil Liberties Union
Institute for Technology and Society of Rio (ITS
Rio)
Instituto Demos

Paradigm Initiative Nigeria
Patient Privacy Rights
PEN American Center
PEN International
Pirate Parties International
Point of View
Privacy and Access Council of Canada
Privacy and Big Data Institute
Privacy International
Privacy Rights Clearinghouse
Privacy Times
Protection International
la Quadrature du Net
R3D (Red en Defensa de los Derechos Digitales)
R Street Institute
Reinst8
Reporters Sans Frontiers
Restore the Fourth
Rocky Mountain Civil Liberties Association

RootsAction.org

RosKomSvoboda
Samuelson-Glushko Canadian Internet Policy &
Public Interest Clinic (CIPPIC)
Security First
SFLC.in
Share Foundation
Simply Secure
Social Action Centre NGO
Social Media Exchange (SMEX)
SonTusDatos (Artículo 12 A.C.)
Student Net Alliance
Sursiendo Comunicación y Cultura Digital
Swiss Open Systems User Group /ch/open
TechFreedom
the Tor Project
Tully Center for Free Speech at Syracuse
University
Usuarios Digitales
Viet Tan
Vrijschrift

WITNESS
World Privacy Forum
World Wide Web Foundation
X-Lab
Xnet
Zavod Državljan D

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

Samuel A. Akinsola
Nadira AlAraj
Collin Anderson
Satish Babu
Matt Blaze
Paul Bernal
Owen Blacker
Eva Bogner
Sara Sinclair Brody
Eric Burger
Jon Callas
L. Jean Camp
Joao Carlos Caribe
Engr Michael C Chukwu
Olivier MJ Crépin-Leblond
Ronald Deibert
Lina Dencik
Shearvon Devenish
Thomas Drake
Dr. Suelette Dreyfus
Nica Dumlao
David Evans
Jim Fruchterman
Arzu Geybullayeva
Mike Godwin
Matthew Green
Sven Herpig
Joseph Lorenzo Hall
Sarah Harrison
Robert Hinden
Arne Hintz
Deborah Hurley

Frank La Rue
Timothy Libert
Rebecca MacKinnon
Maxigas
Bailey McCann
Ben McGinnes
Liz McIntyre
Andrew McLaughlin
Sascha Meinrath
Eric Mill
Ariki Millikan
Katie Moussouris
Jacob Nájera
Antonella Napolitano
Nikhil Pahwa
Chip Pitts
Christopher Parsons
J.M. Porup
Jesselyn Radack
AHM Bazlur Rahman
Md Rezaur Rahman
Jesús Robles Maloof
Phillip Rogaway
Marc Rotenberg
Eleanor Saitta
Bruce Schneier
Gbenga Sesan
Micah Sherr
Adam Shostack
Kawsu Sillah
Barbara Simons
Norman Solomon

Josef Irnberger
Birgitta Jonsdottir
David Kaye
Ephraim Percy Kenyanito
Eric King
John Kiriakou
Mwendwa Kivuwa
Olaf Kolkman
Douwe Korff
Ryan Lackey
Susan Landau

Tim Sparapani
Ritu Srivastava
Dr. Richard Stallman
Maria Swietlik
Nabiha Syed
Trevor Timm
G Craig Vachon
Kenn White
Meredith Whittaker
John Wunderlich
Dan York