

Civil Liberties in the Digital Environment: Grant Recommendations for Core Grantees

Open Society Information Program



TABLE OF CONTENTS

Bits of Freedom	3
ONG Derechos Digitales	5
Digitale Gesellschaft	8
European Digital Rights Initiative (EDRi)	12
Karisma Foundation	18
Institute for Technology & Society (ITS)	20
Open Rights Group	24
Panoptikon Foundation	28
Privacy International	31
La Quadrature du Net (LQDN)	33

BITS OF FREEDOM

APPLICANT INFORMATION

Name of applicant: Bits of Freedom (BOF)

Contact information: Ot van Daalen ot.vandaalen@bof.nl, Executive Director

ADMINISTRATIVE INFORMATION

Network Program or other OSF Entity: Information Program

Program Name and Code: Information Policy (BINPO)

Thematic Area: Privacy (I6128)

Geographic Region: EU

Grant Period: January 1, 2013 to December 31, 2014

Grant Number: tbd

Project Officer: Vera Franz

ORGANIZATION DESCRIPTION

Bits of Freedom was founded in 2000 and its mission is to safeguard an open internet which is accessible to all, where private communication remains private and where everyone can freely share information. Bits of Freedom focuses its work on government policy and self-regulation initiatives and pursues its goals by campaigning, advising policy makers and empowering users. Bits of Freedom currently focuses on government surveillance, privacy regulation, net neutrality and copyright enforcement. It is active both in the Netherlands and on a European level. It is the only professional organization in the Netherlands working on these topics. In Europe, Bits of Freedom is one of the strongest digital rights organizations. It is a founder of the European Digital Rights Initiative (EDRi) and one of its most active members, supporting the work of EDRi with its expertise and manpower. BOF's executive director is a board member of EDRi.

PROJECT DESCRIPTION

Bits of Freedom is seeking a grant of 100,000 Euro over two years to contribute to its core costs, allowing BOF to continue and scale up two projects which are key to civil liberties in Europe: protecting strong privacy standards in the revision of the EU Data Protection Directive and Regulation; and improving transparency of data requests by governments to internet companies about their users.

RATIONALE FOR FUNDING/RECOMMENDATION

Importance of EU privacy standards: The current EU data protection rules are among the most privacy-friendly in the world, serve as a standard of reference for many non EU-countries (both governments and civil society). It is hence critically important to ensure strong human rights based advocacy throughout the revision of EU data protection rules.

BOF's expertise on privacy and influence in Brussels: Bits of Freedom has been involved in the revision of the EU data protection rules since the start in 2010 and has unique expertise on data protection: an ex-attorney from a top-tier commercial law firm in the Netherlands who specialized in data protection law is part of its team. There are only a handful of NGOs in Europe which possess this level of expertise. As a result, Bits of Freedom is the lead NGO in the European Digital Rights (EDRi) network providing the intellectual input on data protection, i.e. analysis of proposals and development of amendments. (Note that Panoplytkon, an NGO in Poland and grantee of the Information Program, is the other EDRi member which is becoming a leading expert on privacy matters. Privacy International is also providing input but it is not formally part of EDRi as PI's geographical focus goes well beyond Europe.)

Conveniently, Bits of Freedom is located in Amsterdam, close to Brussels, which makes it easy to engage with MEPs and European civil society partners on a regular basis. Moreover, the Dutch parliament expressed a parliamentary scrutiny reservation with regard to the revision of the European privacy regulation, allowing Bits of Freedom to further influence the position of the Dutch government in the Council of the EU through the Dutch parliament.

In addition to working on the data protection rules, BOF believes that it is equally important to raise awareness about the extent of current privacy violations. For example, a strong public debate on the necessity and proportionality of user data requests by governments is essential and it is impossible to reasonably debate existing surveillance powers if you do not know how often they are used. The second project BOF proposes – pushing for transparency of data requests – will address this need. BOF will work with other EDRI members (including several already funded by OSF) to replicate this project in other countries.

BOF's track record in digital rights advocacy: Bits of Freedom has been demonstrably successful in recent years. It played a key role in the Dutch government's adoption of net neutrality legislation and shared its expertise with other European digital rights organizations. It managed to convince the Dutch parliament and government to oppose ACTA. It was also instrumental in ensuring that the parliament voted against proposed copyright enforcement measures and it led the way on the abolition of voluntary website blocking.

Part of Bits of Freedom's funding will expire in 2013. In order to continue its activities on the revision of the data protection rules and data request transparency, Bits of Freedom needs at least 50k Euro per year for a period of two years. If it does not attract this funding, Bits of Freedom will be forced to scale back its activities in these fields, at a time when there is an urgent need for civil society intervention.

DERECHOS DIGITALES

PROJECT TITLE: Promotion of Human Rights Standards in Latin American Internet Regulation

Applicant Information

Applicant's legal name: ONG Derechos Digitales

Applicant's legal address: Diagonal Paraguay 458 Piso 2, 8330031, Santiago, Chile

Administrative Information

Network Program or other OSF Entity: Information Program

Project Officer: Vera Franz

Project start and end dates: April 1 2013 to March 31, 2014

Grant Number: tbd

Division Code: BINPO I6129

Geographic Region: Latin America

Beneficiary Population: General

Subject Area Served (up to three, leave unused fields as default):

Media, information, arts || Click to select || Click to select

Strategic Method: Advocacy

Applicant Budget

Total grant amount requested from OSF (in USD): \$66,920

Applicant's total organizational budget: \$166,498 (2011), \$173,227 (2012), \$214,980 (2013, projected)

Previous OSF Grants: \$57,000 (2011)

Other major donors to the organization and size of their contributions – 2013: Internews (\$27,640), Global Partners (\$46,800), IDRC (\$13,250), Privacy International (\$22,200), Google (tbd)

Recommended Action

Recommendation: Approval Partial Approval

Amount recommended: US \$ 66,920

Number of tranches: two

Proposal Summary and Analysis

Organization Description

NGO Derechos Digitales is a Santiago-based NGO founded in 2005 with the mission to protect human rights in the digital environment, in particular free expression and privacy, and strengthen access to knowledge for all citizen, supported by balanced copyright laws. The organisation conducts policy analysis and research and advocacy campaigns to achieve its mission.

Derechos Digitales was formed by a group of Chilean lawyers in reaction to the Free Trade Agreement that the Chilean government signed with the United States in 2004. This FTA contained an intellectual property chapter which, in 2007, led the Chilean government to propose the most comprehensive intellectual property reform that country had seen in 35 years. Concerned with ensuring balance in copyright law, Derechos Digitales launched a major advocacy effort including the two campaigns 'Fair treatment for all' and 'I am not a criminal'. These hugely successful campaigns – relying on a smart combination of online and offline advocacy – resulted in a copyright law that regulated collecting society abuse, had several new exceptions and limitations, and a so far unique intermediary liability regime that requires judicial notice. Derechos Digitales also played a critical role in the adoption of a strong Chilean net neutrality law.

As a result of this work, Derechos Digitales and its leadership are widely respected in Chile. They are

member of the Advisory Committee of Ministers for Digital Development, the National Committee of Domain Names and Internet Protocol Numbers, and the National Net of Digital Citizens Organizations.

Over time, Derechos Digitales has become active on the regional and international stage. Building on their experience with the Chilean FTA, they are one of the most active players in the negotiation of the Transpacific Partnership Agreement (which includes several Latin America and Asian countries). They are also, with three other OSF grantees, working to develop a Latin American platform for sharing information and expertise on digital rights including a bi-monthly newsletter. They have now applied to become a member of IFEX, the largest association of free expression groups, and the Association for Progressive Communication.

Financial health

Derechos Digitales' growing profile resulted in them attracting funding from additional sources and they can now sustain a team of two-full time staff members and several project-based consultants. The organisation receives a mix of corporate, government and private foundation money. Yet, it's interesting to note that a substantial part of that money is re-granted by bigger international NGOs such as PI, Global Partners and Internews. While these partnerships reflect the respect Derechos Digitales has earned with international NGOs and allows them to become part of international networks, it also makes the group dependent on these NGOs' agendas. For Derechos Digitales to continue to grow sustainably, they will need to continue to diversify their funding base and attract at least one other larger donor.

Governance

Their governance is more informal than ideal. They have a Board of Directors (composed of three staff members plus outsiders) and an informal Executive Committee tasked, among others, with financial oversight. Derechos Digitales is aware of these weaknesses and is keen to professionalize their organization. My recommendation is to task a consultant to work with them on strengthening their governance structures, professionalize financial management and assist them with the development of a strategic plan. Derechos Digitales is a core partner in the Latin American digital rights network we are building and I hence think this is a timely investment. Also, no other funder is currently investing in developing the organizational structures of these relatively young digital rights groups, but it is a precondition for them to be able to attract and absorb larger money.

Project Description

Context and Background

Over the past few years, the governments in Latin America have started to regulate the online environment, mainly driven by the need to implement trade agreements. That said, this 'regulation trend' is set to further accelerate in the coming years as the internet penetration rate is predicted to jump over 50%. This presents a good opportunity for civil society to help set standards and influence legislation in compliance with the Inter-American Convention on Human Rights.

Objectives and Goals

- Advocate for the protection of human rights standards in the Transpacific Partnership Agreement (TPPA): provide technical assistance to negotiators of Latin American countries (Chile, Peru and Mexico) of the the TPPA; raise awareness about the TPPA in the Spanish-speaking countries;
- Advance human rights standards in domestic internet legislation: produce a set of policy papers on issues that should be regulated in Latin America and provide technical assistance to civil society from other Latin American countries;
- Produce a bi-weekly regional newsletter on digital rights in collaboration with the Karisma Foundation, Columbia, the Centre for Technology and Society at FGV in Brazil, and ADC in Argentina;
- Exploring opportunities for strategic litigation to advance human rights protection in internet regulation: produce, in collaboration with Karisma, CTS and ADC, a legal research paper analyzing opportunities and risks of using constitutional mechanisms for advancing human rights on the internet.

Activities

Research and analysis; technical assistance to governments; capacity building of civil society in Latin America by (a) sharing research and analysis, (b) rapid response mechanism to provide technical assistance, and (c) strengthening the network of NGOs and individual experts in the region by producing a regional newsletter on digital rights in collaboration with other partners.

Indicators of Success

Protection of human rights standards in the TPPA; increased capacity of civil society in Latin America to influence internet regulation; a stronger network and better collaboration of civil society working on digital rights in Latin America

Rationale

- Derechos Digitales has proven to have the necessary legal expertise and tactical know-how to decisively influence policy outcomes. They also have grown their regional profile. As Latin American governments will increase their efforts to regulate digital communications networks over the coming years, Derechos Digitales will play a critical role in advancing human rights standards.
- Latin America is, besides Europe, the Information Program's second priority region where we have committed to building a strong network of NGOs working to protect human rights online. Derechos Digitales will be an important partner for OSF and node in this network. Also, unlike in Europe, more funders are active in the Latin American region. For example, Ford is funding Global Partners and IDRC is funding Privacy International to work in the region. Yet, I think OSF makes a unique contribution because we take a bottom-up approach, supporting these groups becoming strong organizations, enabling them to advance their own agendas and structuring grant-giving so as to build horizontal ties between the groups. Also, together with the Latin America Program, Media Program and Justice Initiative, we are facilitating access of these groups to the Regional Rapporteur on Free Expression by supporting a project that will support the Rapporteur to develop human rights standards for the internet. Money is only part of the value OSF brings to the table.

DIGITALE GESELLSCHAFT

Applicant Information

Applicant's legal name: Digitale Gesellschaft e.V.
Applicant's contact: Linnea Riensberg <linnea@digitalegesellschaft.de>
Applicant's legal address: Schönhauser Allee 6/7, 10119 Berlin, Germany

Administrative Information

Network Program or other OSF Entity: Information Program
Project Officer: Vera Franz
Project start and end dates: March 1, 2013 to February 28, 2014
Grant Number: tbd
Division Code: BINPO I6129
Geographic Region: Germany, Europe
Beneficiary Population: General
Subject Area Served: Media, information, arts || Click to select ||
Strategic method: Advocacy

Applicant Budget

Total grant amount requested from OSF (in USD): \$75,000 over one year
Applicant's total organizational budget: \$75,000 (2012), \$178,000 (projected)
Previous OSF Grants: none
Other major donors to the organization and size of their contributions: Individual donations (\$75,000 in 2012); see below for fundraising plan for 2013

Recommended Action

Recommendation: Approval Partial Approval
Amount recommended: US \$ 75,000
Number of tranches: two

Proposal Summary and Analysis

Summary

Berlin-based Digitale Gesellschaft is requesting a one-year grant of \$75,000 to transition from a volunteer-based group to a professional organization with paid staff at the centre of digital rights activism in Germany. During the grant period, DigiGes will work on the following advocacy projects: the review of the EU Data Protection Regulation and Directive; a campaign for net neutrality (following up on its campaign against German Vodafone 'Echtes Netz'); a campaign for an export control regime of surveillance technologies; awareness raising and monitoring of the privatization of law enforcement by internet intermediaries.

Organization Description

Digitale Gesellschaft e.V. was founded in 2011 and its vision is the fair and democratic participation of every person in the digital and networked sphere. DigiGes hence works to defend fundamental rights and freedoms online, an open culture of knowledge and enhanced transparency and participation in policy making processes. The organisation is a campaign and advocacy oriented NGO, operating at the interface of the technology scene, political institutions and the media. Its three key modes of operation are policy analysis and contribution to public discourse; campaigning and non-violent actions; and representation of citizen and consumer interests with policy makers and businesses.

Though DigiGes is a very young organization with a first part-time staff member hired only in December 2012, in my view the organisation is on its way to becoming Germany's main civil society hub for progressive digital rights policy advocacy and social activism. In 2012, DigiGes coordinated the successful campaign against ACTA in Germany; has received individual donations of \$75,000; has quickly developed

an impressive public profile with media coverage in all the major German press and invitations to 150 events; and is now keen to grow and professionalise its operations.

DigiGes was formed because a group of experienced and high-profile digital rights advocates had become frustrated with the volunteer-driven and ad-hoc nature of digital rights activism in Germany. In fact, DigiGes' first staff member is the only paid person to spend 100% of her time on digital rights advocacy in the country. DigiGes draws a lot of its strength from the public profile, commitment and active participation of its 42 members¹ many of whom are well known in German civil society and today constitute the organisation's General Assembly. This means that DigiGes is, through its members, directly connected to a variety of other organisations and political associations that lend it credibility and can be mobilised for campaigns. Digitale Gesellschaft is also an active member of the European Digital Rights Initiative and EDRi Executive Director Joe McNamee thinks very highly of DigiGes, highlighting the groups sense of political strategy and influence with the media.

Governance and organisational growth

When founded in 2011, DigiGes has laid down rules for governing the membership-driven 'Verein' in its by-laws. The General Assembly with its 42 members elects the Management Board, sets the overall strategic direction and delegates authority to the Management Board to develop and approve actual strategy. The Board initially develops actual strategy and hires staff to implement it. Once the organization will have brought on board senior staff, staff will develop a broad strategy outline for General Assembly approval, and a detailed strategy and financial plan for Board approval. The Board is responsible for financial oversight. DigiGes also plans to set up an Advisory Board with high-level experts to provide non-binding advice on the strategic direction of the organization.

Over the coming year, DigiGes' will make the transition from a volunteer-driven to an organization with paid staff. More specifically, with OSF's grant (\$75k) and expected donations (\$50k secured; a minimum of \$25k expected), DigiGes will be able to maintain the current part time Senior Policy Officer (50%), hire a Senior Advocacy Manager (75%) and a Junior Community Manager (50%).

While this process is not without risks, Germany urgently needs a professional digital rights group and I am convinced that Digitale Gesellschaft is the right group to invest in. I've had two longer face to face conversations with the three Board Members and the current staff member and I was particularly impressed with Board Member Kirsten Fiedler (who's a staff member of EDRi Brussels) for her clear vision and strategic thinking. Staff member Linnea Riensberg is a very good communicator and I was encouraged by the fact that she suggested that DigiGes may need help with strengthening the organizational structures once the new staff members are on board. We've agreed that OSF will assist the process of organizational growth as follows: Should the grant be approved, we will release a first six-month installment so that DigiGes can test its current governance rules with its new staff members in practice. At the end of the six months, we will jointly review progress. If necessary, I will make the second installment of the grant contingent on a process, facilitated by an outsider, that will help DigiGes to develop (a) a three-year strategic plan; (b) recommendations for improved governance, if necessary (e.g. it may make sense to increase the number of Board Members); (c) recommendation for improved financial planning and fundraising.

Revenue model and financial health

To date, Digitale Gesellschaft e.V. has been financed by donations. It has raised \$75,000 in 2012, \$40,000 of which is unspent and will be used towards the 2013 budget. It also expects to raise a minimum of \$25,000 in membership fees in 2013, and possibly much more. DigiGes is also in conversation with the Bewegungsstiftung which supports new NGOs covering rent, travel and staff with amounts between \$50k-\$100k. DigiGes is clear that German foundations are only slowly shifting to include a focus on net politics, but the shift is happening (e.g. Merkator is demonstrating some interest), not least because ACTA has helped to make the issues part of the mainstream political debate. Also, I am part of a process, led by

¹ Board Member Markus Beckendahl's blog netzpolitik.org has 30,000 visitors a day.

Ben Scott at Stiftung Neue Verantwortung, aiming to set up a mixed fund for digital rights that would pool foundation and industry money. Initially, this fund would be focused on Germany but our hope is that it would eventually be expanded to cover Europe.

Web Presence

Digitale Gesellschaft used the web to mobilize and coordinate the demonstrations against ACTA which led over 100,000 people to demonstrate in the streets across Germany. DigiGes has also used the web to raise donations. For example, it raised \$20,000 for the specific purpose of producing information material on ACTA (as the backers of ACTA claimed civil society was ill-informed). It created 125,000 flyers and 180 rolls of barrier tape and mailed this material to over 200 people in 180 cities in Germany. DigiGes stresses that they think it's important to integrate online with offline tools for information dissemination and mobilization.

Project Description

Goals and Activities (for the coming 12 months)

(1) In close collaboration with the European Digital Rights Initiative, achieve strong data protection standards in the plenary vote of the European Parliament on the EU Data Protection Regulation and Directive in early 2014 and advocate with the German government for similar commitments. To do so, DigiGes will monitor the legislative processes on the German and European level; meet with German and European Parliamentarians, Ministers, and EC representatives as well as other NGOs and DPAs; formulate and table further amendments; create publicity by strategic media and online campaigns; frame, name and shame those engaged in lowering standards.

(2) Protect the neutral internet. To do so, DigiGes will fight early against any attempts at the German Federal level and the EU to introduce censorship or discrimination between different sources of Internet content; lead public campaigns against mobile operators that continue to pursue business models based on discrimination and blocking; seek to make users aware of the choice between a neutral and a discriminatory Internet; educate policy makers about the danger of not preserving a best-effort-net and build a broad coalition in favour of net neutrality.

(3) In collaboration with Privacy International and other NGOs, work towards the introduction of an export control regime for surveillance equipment on a German and European level. To do so, DigiGes will publicly document the German companies exporting human right violating equipment and its implementation; work to develop a specific solution for export controls in Germany that defines restricted technologies and the criteria for specific transactions in a licensing regime; campaign for the introduction of an export control regime.

(4) Prevent the circumvention of constitutionally guaranteed procedures through the outsourcing of law enforcement to internet intermediaries. To do so, DigiGes will monitor and react to developments in policy debates; develop criteria for constitutional procedure for copyright protection; raise awareness among journalists for relevant projects that push for voluntary measures; participate in round-table discussions.

Indicators of Success

- Successful transition to professional NGO
- Commitment to strong privacy standards in the plenary vote of the European Parliament on the Data Protection Regulation and Directive scheduled for early 2014
- Increased media coverage of the need for an export control regime for surveillance technologies and formation of strong US-EU civil society coalition
- Increased awareness about the importance of net neutrality in Germany
- Increased awareness about the human rights concerns with privatized law enforcement

Rationale

Political importance of Germany: The European Union is going through an intensive process of standard setting (reviews or introduction of Directives) that directly impact digital rights. Germany plays a special role within the EU—the German vote in Brussels and Strasbourg is very influential, and not only due to its 99 EU Parliamentarians. As a result, many businesses are currently quite dramatically increasing their lobbying activities in Germany on tech policy. Yet, Germany currently lacks a professional NGO dedicated to digital liberties.

DigiGes's impressive track record: Digitale Gesellschaft has exceeded all reasonable expectations for the impact of volunteer organization and is now keen to bring on board professional staff. DigiGes has an impressive public profile; it has demonstrated that it can mobilize the masses – see their successful campaign against ACTA and the \$75,000 in individual donations they have received; and proved that it can play the political game. For example, in the campaign against plans for the privatisation of law enforcement in Germany, DigiGes drafted a 'shadow report' based on a leak of a study by the German Ministry of Economics and Technology that called for a repressive Two Strikes System against online copyright infringement. DigiGes' report was published at the same time as the study, which, as a result of effective media coverage, contributed to the prevention of an introduction of such a system.

Political opportunity: The campaign against ACTA has sensitized policy makers about net politics and with the upcoming Federal Elections scheduled for September 2013, politicians are keen to appeal to their voters including the 18-35 year old demographic (which are the voters most interested in net politics). This means there is a unique opportunity to translate this new level of interest into progressive tech policy proposals written into the platforms of each political party.

Concerns

The process of moving from a volunteer-driven to professional organization is not without its risks and OSF needs to be willing to take risks with this and similar grants. What is special about the digital rights field is that these mostly young and fragile groups are – in terms of motivation and mode of operation – reflective of the hacker culture of the internet. This for example means that meritocracy is given preference over hierarchy. So when building up this field one guiding principle for me is to ensure that we help create structures that the activists and their many volunteers are actually willing to work in. This does not mean that we can't give the organizational development process the same level of scrutiny, but the process needs to be a more subtle one.

One issue I will watch carefully with Digitale Gesellschaft is the relationship between the 42 members and staff. Currently, all expertise lies with the members. And this is one way for the members to more directly control the organization. I'd like to review mid-grant how this relationship is evolving and whether we need to make adjustments.

A second concern is that there is a perception in Berlin that DigiGes is closer to the Green Party than to any other political group. This can impact their weight with policy makers across the spectrum. The upcoming election is a chance for them to operate more systematically across the political party system.

EUROPEAN DIGITAL RIGHTS (EDRi)

Applicant Information

Applicant's legal name: European Digital Rights (EDRi)
Applicant's legal address: 20 Rue Belliard, 1040 Bruxelles, Belgium

Administrative Information

Network Program or other OSF Entity: Information Program
Project Officer: Vera Franz
Project start and end dates: September 1 2013 to August 31 2015
Grant Number: tbd
Program and Project Code: BINPO I6129
Geographic Region: Europe
Beneficiary Population: Human Rights (HU), General population (GEN)
Subject Area Served (up to three, leave unused fields as default):
Media, information, arts || Click to select || Click to select
Strategic Method: Advocacy
Progress report dates: December 31, 2013 (interim report after first four months), August 31, 2014 (interim report), August 31, 2015 (final report)

Applicant Budget

Total grant amount requested from OSF (in USD): \$240,000
Applicant's total organizational budget: \$439,954 (2013), \$574,351 (2014)
Previous OSF Grants: 2011: 160,000 Euro (core grant); 2010: 130,314 Euro (core grant); 2009: 65,880 Euro (core grant) and 26,248 Euro for capacity building workshop for EU digital rights groups; 2002-2007: 54,400 Euro for EDRI-gram, the bi-weekly newsletter
Other major donors to the organization and size of their contributions: Adessium Foundation (\$363,664); European Commission (\$119,000); membership fees (\$20,000); corporate donations (\$35,000 in 2012; fundraising campaign launched in June 2013)

Recommended Action

Recommendation: Approval Partial Approval
Amount recommended: US \$ 240,000
Number of tranches: three
Dates of payment: start of grant period; after approval of interim reports

Proposal Summary and Analysis

Organization Description

European Digital Rights (EDRi), founded in 2002, is a membership organization with currently 35 members in 21 European countries. It was registered in Brussels as an international non-profit association (*AISBL*) in 2003. Members of European Digital Rights have joined forces to defend civil liberties – free speech, privacy and due process – in the information society. The need for cooperation among organizations active in Europe has increased as more regulation of our digital communications networks is originating from European institutions, or from international institutions with strong impact in Europe. In 2009, EDRi has opened a Brussels office which is seeking core funding from OSF with this grant application.

Progress to date

OSF has helped to set up the EDRi Brussels office in 2009. Since then, EDRi has made significant progress, both in terms of policy impact and organizational growth.

Leadership on digital rights in Europe: Over the past two years, EDRi has been able to establish itself as the leading voice on digital rights in Brussels. It has become a trusted partner of the European Parliament including the different political groups, for example receiving regular invitations to provide expert evidence at committee hearings. EDRi has also built a strong relationship with the European Commission,

serving on advisory boards of EC projects and collaborating closely on the reform of the data protection framework. It has celebrated some important successes on the policy front. In 2011, EDRI succeeded in persuading the European Parliament to reject proposals to introduce mandatory web blocking. In 2012, it played an important role in the Parliament's decision to reject ACTA. It also has successfully lobbied the EP to request the Commission to introduce net neutrality legislation. EDRI's ongoing campaign against privatized enforcement by internet intermediaries has led to the relevant Directorate General in the EC to push for a Directive to clarify the rules for handling possibly illegal online material. EDRI was also able to greatly increase its public profile. It has 83,000 unique website visitors a month and 4,600 followers on Twitter, its bi-weekly newsletter is a must read in policy circles, and the "EDRI Papers" series is widely read, with 136,491 downloads of the most popular paper "How the Internet Works". EDRI's Executive Director, Joe McNamee, has greatly contributed to this success. His career in Brussels has included representing corporate and trade interests before EU institutions, serving as political advisor to a Parliamentarian and overseeing ICT initiatives for the Commission. He is an excellent lobbyist, well respected as an expert by the Brussels institutions and EDRI members, and is regularly interviewed and quoted by press and television across Europe.

Governance: EDRI is an association of nonprofit nongovernmental organizations meeting annually as a General Assembly. The GA elects from among members a Board of Directors, who serve two-year terms, renewable; the Board has recently consisted of the minimum number (three) required by the Statutes. The GA selects the Director on the recommendation of the Board, who then oversees his activities. Between 2002 and 2009 EDRI was an essentially disaggregated network. Various functions (mailing lists, the EDRIgram, financial management) were distributed between members and the institution operated with an absolutely minimal budget; it was understandably difficult to coordinate effective responses. Given the growth of the digital agenda in Brussels and the massive increase in number and size of Brussels-based corporate and trade lobbying offices, OSF supported EDRI in establishing a rudimentary institutional presence in Brussels in 2009.

EDRI members include professional NGOs (Bits of Freedom, Panoptikon, Open Rights Group), very small volunteer organizations as well as high-profile institutions like the Chaos Computer Club which personify the early "hacker ethic" of the computer age. EDRI attributes a great deal of weight to finding consensus and, until recently, accepted a general lack of efficiency in return for a great measure of participation. Over time, the membership has come to appreciate the importance and nature of effective advocacy in Brussels. And there was increasing recognition that in order for EDRI to have an impact, the Brussels office needed more independence.

During the recent the 2012 General Assembly (GA), EDRI's members have voted for a significant change in governance. While the General Assembly will continue to be the main decision making body (approving the budget, signing off on the annual accounts, agreeing the work program and nominating the board for a period of two years), the GA has committed to strengthening the Brussels office, in particular, it has changed the role of Joe from Advocacy Coordinator to Executive Director and accepted that he will actively seek the funds and staff to develop an adequate professional presence. The ED is now responsible for running the day-to-day business of the organization, on behalf of and overseen by the Board. This was a significant change for an organization that had started out as a distributed network of often volunteer organisations. EDRI's Board now includes representatives of two particularly strong national NGOs, both funded by OSF (Bits of Freedom and the Panoptikon Foundation).

Staffing: Since 2009, the staff has grown from one to currently four full-time employees including the ED, two Advocacy Officers and one Office Manager. OSF funding would contribute to adding two additional staff positions in 2014.

Technical infrastructure: EDRI has overhauled its entire technical infrastructure which will be fully rolled out by September 2013 and will facilitate improved collaboration between the members and the Brussels office as well as external communication with policy makers and the public.

Funding: In 2009, OSF contributed 75% towards EDRI's annual budget of \$115k. Today, OSF is asked to contribute around 30% and 20% towards EDRI's annual budgets of 2013 (\$439k) and 2014 (\$574k) respectively. EDRI is funded by a mix of private foundations (Adessium), government funders (European Commission), membership fees and corporate sponsors. EDRI's preferred funding model is to attract core funding rather than project funding. This is because project funding is often not available for the most pressing digital rights issues reliance on such revenue streams carries a significant risk of misdirecting our activities.

Challenges and Recommendations

I believe EDRI has made impressive progress over the past two years. This is particularly admirable because this progress was achieved during a time when the digital agenda in Brussels has exploded. That said, I think EDRI is still a relatively fragile organization and I am concerned about two aspects in particular: While I think Joe McNamee has done an excellent job given the circumstances, he has struggled to do all that was being asked of him, i.e. fundraising, coordination of work efforts of staff, coordination of partnerships involving members, and high-level analysis and representation on a range of issues. Also, I think Joe and the membership found it challenging to coordinate the first EDRI-wide campaign, the campaign on the Data Protection Framework (nakedcitizens.eu). EDRI will need to address the challenges they've encountered by clarifying the roles of the Brussels office vis-a-vis the membership organizations and devising clear processes for implementation of campaigns.

Taking advantage of a year-long hiatus in EU/EC operations in the run-up to the next Parliamentary elections scheduled for mid 2014, I recommend that EDRI focuses attention on addressing the following three challenges in particular:

EDRI critically needs a more diverse funding pool: While EDRI has been able to attract additional funding over the past two years, its footing will remain precious if it stays dependent on one funder, or even on a handful. Also, it will need substantial additional funding to add capacity to respond to the many demands on the Brussels office. The ED will need to prioritize fundraising in the coming 12 months, both to make up the shortfall for 2013 (\$65,000) and grow the office sustainably. My recommendation is that the Director dedicates at least 15% of his time to fundraising activities, updates the current fund-raising plan together with the Board, submits at least two major proposals, and launches a systematic fund-raising campaign with corporations by the end of 2013. Starting in 2014, EDRI will need to add additional staff capacity dedicated to fundraising.

EDRI needs to further clarify the role of the Brussels office: While it is clear that EDRI is a membership organization and members will have a final say on all important matters through the General Assembly, the identity of the Brussels office must still be more clearly defined. Is its primary role a "Secretariat" that is a support unit to the membership (in which case it can remain fairly small), or does it play a leading role, advising members but also ensuring that it itself provides a robust response (in which case it needs to grow commensurate with the challenges to digital rights)? Is its primary role providing policy makers with expert civil society-focused analyses (which clearly reflects the Director's strength and background, and which means adding people with similar skills and credibility) or can and should it also develop capacities to initiate and lead campaigns (which will mean staff more attuned to grassroots sentiments and credible to passionate activists and perhaps less concerned with policy level credibility)? My recommendation is that the Board facilitates a conversation with the ED and members, aiming to define more explicitly the role of EDRI's Brussels office within the network and develop a plan for staff numbers, roles and competences focused on fulfilling this role.

EDRI still needs to put in place more robust management systems: As EDRI grows, the Director will almost certainly need to play more of a full-time managerial and coordinating role (including fund-raising), overseeing deliverables of other senior staff. Also, looking at EDRI's 2011 financial reports makes clear that it needs a more sophisticated financial management framework. My recommendation is that Board and ED develop a plan for staff growth as EDRI expands, basing this plan on the identified role of the

Brussels office (see previous recommendation). The OSF Audit Department or an equivalent outlet will assist EDRI with improving its financial management system.

I have discussed these recommendations with both the ED and Board Members and both have committed to the recommendations outlined above. However, I fully recognize that making the choices necessary for EDRI to emerge stronger will not be easy. I propose to structure grant payments so that the Board reports on progress in implementing these recommendations by January 2014, well before the new Parliament takes office

Project Description

Context and Background

The political environment in Brussels is likely to change quite dramatically over the next two years as both the Parliament and Commission are ending their terms of office in 2014. By end of 2014 a new European Parliament and Commission will be in place. Advocacy activities will need to adapt to this changed environment, initially focussing on building relationships with new Commissioners and Parliamentarians. As there is a huge backlog of legislative and other work (such as copyright reform and the renewal of the EU's 5-year action plan in the field of freedom, security and justice), EDRI and its members will likely be faced with a sudden avalanche of proposals, compared with the gradual increase in activity which developed from 2009 to 2014.

Objectives and Goals

EDRI's overall goal is to advocate against arbitrary or disproportionate interferences with digital communications of citizens in Europe. EDRI will focus on the following advocacy targets:

Privatised enforcement and content regulation

- campaign against all proposals for "privatised enforcement" by internet intermediaries
- ensure strong free expression standards in the planned Directive updating the E-Commerce Directive
- produce an updated version of the self-regulation booklet and continue to raise the profile of the broader issue of ad hoc regulation of online communication through internet companies

Intellectual property reform

- protect user rights in review of 2001 Copyright in the Information Society Directive
- rebalance the debate away from unending and ineffective IP enforcement measures

Security and cybercrime

- oppose web blocking proposals in the absence of evidence that they will serve the intended public policy goals
- advocate for the remove the loophole created by Article 15 during the expected renewal of the E-Privacy Directive
- advocate for the repeal the Data Retention Directive
- take every opportunity to argue for better evidence and proportionality in this area

Data protection and privacy

- ensure strong data protection standards (maximum knowledge of, and control over, the collection and use of personal data) in the reformed Data Protection Framework

Net Neutrality

- advocate for legal protection of net neutrality if possible via a Regulation
- publish a booklet on network neutrality as a guide for policy-makers to explain the concept and its importance for free speech and innovation

Activities

Policy analysis, media outreach, direct advocacy with EU officials, campaign coordination

Indicators of Success

- EDRI will have successfully demonstrated instances where the Brussels office has taken the lead on issues affecting digital rights, to the satisfaction of members and outside observers, and instances

where the office/Board has delegated responsibilities to one or more members and coordinated effective multi-party initiatives;

- EDRi is widely judged by outside observers to be a significantly more stable, well-managed and more broadly funded organization (An imperfect analogy is Privacy International, which, with Information Program support, has grown from two individuals operating out of a loaned office at the London School of Economics to an organization with currently 11 staff members, an active Board and resources being significantly more effective in addressing threats to privacy internationally);
- EDRi will have secured at least 75% of the funding still currently in progress, equivalent more or less to \$350,000, from other sources.

Rationale

The European Union is a strategically important region when it comes to protecting human rights in the online environment. This is because Europe has a strong human rights framework and the European Union has – for example in the field of privacy – enshrined a strong commitment to human rights in its Directives and Regulations. This makes Europe an important point of reference globally. For example, a group of Latin American activists has recently written to the European Parliament, urging the lead Committee working on the reform of the Data Protection Regulation “to protect the privacy of citizens in the EU and around the world”.² Conversely, the Commission Vice-President Reding describes the corporate lobbying efforts, led by US internet companies and targeting the Data Protection Regulation, as some of the most aggressive industry lobbying she has ever witnessed.³ This is because US companies (which serve global audiences) will feel compelled to incorporate human rights standards demanded in Europe because they are reluctant to lose customers or split their services between jurisdictions.

The recent revelations of NSA spying programs add a particular twist to the transatlantic conversation. In fact, ten days after the first NSA revelations were published, the major political groups of the European Parliament agreed to reinstate the so-called anti-FISA provision (Article 42) into the draft Data Protection framework. The purpose of this provision is to shield EU customers from NSA data-mining authorised by the US Foreign Intelligence Surveillance Act.

European Digital Rights, the backbone of digital rights advocacy in Europe

The Information Program has identified Europe as one of two priority regions for its civil liberties portfolio. EDRi is the backbone of the European digital civil liberties advocacy landscape. This is the reasons the Information Program remains committed to funding EDRi and working closely with EDRi in growing the organization successfully.

Risks/Concerns

With this grant, we support a critical field actor, compel them to address some clear weaknesses, but not determine for them fundamental choices or even pressure them to take a particular path. Based on my conversations with the three EDRi Board Members, I am reasonably confident that EDRi will be able to consolidate its position as the major digital human rights oriented player in Brussels. Yet, in case EDRi will fail to do so such an institution will still need to arise and as we wait for it to emerge, a number of critical decisions may be taken without adequate monitoring, analysis, advocacy and outright pushback.

I am concerned about the paucity of serious funders committed to funding digital rights advocacy in Europe. Whether due to pressure from industry, generational differences or the seeming complexity of issues, there is an urgent need to convince other funders to come on board. A strong EDRi is crucial in helping us make this case. In addition, the Information Program plays an important role in reaching out to other funders. The Sigrid Rausing Trust and Omidyar Network, who are the most promising candidates to

² <https://www.accessnow.org/blog/2013/05/28/latin-american-civil-liberties-groups-urge-meps-to-protect-privacy>

³ <http://corporateeurope.org/blog/alter-eu-battle-data-privacy>

join OSF in funding digital rights in Europe, have both committed to participating in a process, led by the Information Program, that will map opportunities, threats and funding gaps in the digital civil liberties field.

KARISMA FOUNDATION

Applicant Information

Applicant's legal name: Karisma Foundation
Applicant's legal address: Calle 57 N. 10-24 of 402, Bogotá, Colombia
Contact: Carolina Botero <carobotero@gmailkarisma.org.co>

Administrative Information

Network Program or other OSF Entity: Information Program
Project Officer: Vera Franz
Project start and end dates: May 1 2013 to April 30 2014
Grant Number: TBD
Program and Project Code: BINPO I6129
Geographic Region: Latin America
Beneficiary Population: General
Subject Area Served (up to three, leave unused fields as default):
Media, information, arts || Click to select || Click to select
Strategic Method: Advocacy
Progress report dates: October 31, 2013 (interim report); end of grant period (final report)

Applicant Budget

Total grant amount requested from OSF (in USD): \$49,480
Applicant's total organizational budget: \$350,000
Previous OSF Grants: none
Other major donors to the organization and size of their contributions: IDRC (\$120,000),
Internews (\$30,000), Google (\$40,000), Innovation Group Funds (\$40,000), UNESCO (\$14,000)

Recommended Action

Recommendation: Approval Partial Approval
Amount recommended: US \$ 49,490
Number of tranches: two
Dates of payment: according to grant timeline

Proposal Summary and Analysis

Organization Description

Karisma Foundation is a Colombian NGO founded in 2003 and located in Bogota. Its mission is to support the spread and good use of Information and Communication Technologies (ICT) in the Colombian society. Karisma has three thematic priorities: (1) ICT in Education, (2) Social Innovation and Technology, and (3) Law, Internet and Society.

Karisma is a non-profit organisation, founded by the family Botero. Until today, Hector Botero is Chair of the Board and General Director. The Board has nine members and meets once a year to provide direction to the organisation. In its most recent meeting, the Board has approved the new strategic plan for Karisma. The Board also provides financial oversight. As Karisma is growing in size and also expanding its work into new areas such as digital rights, Karisma is committed to reviewing its governance in the coming year.

The organization is funded by a mix of governmental funders, companies and private foundations. Karisma also raises around \$20,000 a year by providing consulting services to clients. The diversity of funding (eight different sources of funding currently) provides for relatively good financial stability for this relatively small operation with eight staff members.

Karisma is a young but innovative player that is well connected regionally and internationally. For example, it is the Creative Commons affiliate for Columbia, is part of the Open Business Latin America Network and is member of IGF2012 as well as the international fair use network.

Karisma successfully mobilized against Ley Lleras (the Columbia Copyright Law) in 2011, which resulted in the law being archived. The law got adopted in 2012 but is now being challenged in court. To fight these campaigns, Karisma had brought together a wide network of stakeholder under RedPaTodos <www.redpatodos.co> which is still active and ready to be mobilized again in future legislative battles. Much of Karisma's success is due to the talented activist Carolina Botero who leads the work on digital rights ('Law, Internet and Society') and was identified by a Columbia newspaper as a 'prominent young figure' in 2012. Carolina is also the Regional Chair of the Creative Commons in Latin America.

Project Description

The OSF grant will allow Karisma to move from working on copyright reform to working on other digital rights matters including data protection, net neutrality and cybercrime/security. More specifically, Karisma is pursuing three lines of activity:

- **Monitoring:** Karisma will monitor all internet-related legislative developments in Columbia and report about them. Karisma will also be an active contributor and editor of the Latin American newsletter for digital rights.
- **Campaigning:** Karisma will identify legal cases that could be the motivation of a strategic campaign with an awareness raising component and a legal support component (not using litigation but legal tools such as information requests and complaints). Over the grant period, Karisma will explore whether it should engage in litigation. Surveillance and net neutrality are likely topics for the campaigns.
- **Capacity building:** Karisma will develop a more intense collaboration with FLIP, a free expression group. Karisma will also launch an exchange program with one or two other NGOs including CIS in India and Derechos Digitales in Chile.

Markers of progress include comprehensive coverage of digital rights developments in Columbia and Latin America; two successful campaigns; and increased capacity among Karisma staff and the NGO FLIP.

Rationale

- The Karisma Foundation's work on digital rights is led by a very talented activist, Carolina Botero, that has established an excellent reputation in Latin America and beyond. Carolina and her team have proven to have the necessary legal expertise and tactical know-how to influence policy outcomes. As Latin American governments will increase their efforts to regulate digital communications networks over the coming years, Karisma will play a critical role in advancing human rights standards.
- Latin America is, besides Europe, the Information Program's second priority region where we have committed to building a strong network of NGOs working to protect human rights online. The Karisma Foundation will be an important partner for OSF and node in this network. Also, while other funders are active in the region (e.g. Ford and IDRC), I think we make a unique contribution: We take a bottom-up approach, supporting a new generation of groups to become strong organizations, enabling them to advance their own agendas and structuring grant-giving so as to build horizontal ties between the groups. Also, together with the Latin America Program, Media Program and Justice Initiative, we are facilitating access of these groups to the Regional Rapporteur on Free Expression by supporting a project that will support the Rapporteur to develop human rights standards for the internet. Money is only part of the value OSF brings to the table.

INSTITUTE OF TECHNOLOGY AND SOCIETY

Applicant Information

Applicant's legal name: Instituto de Tecnologia e Sociedade (Instituto for Technology & Society)
Applicant's legal address: Rua Marquês de Abrantes, 189. ap. 903. Flamengo, Rio de Janeiro, RJ, CEP 22230-060
Project title: Core support 2014-15

Administrative Information

Network Program or other OSF Entity: Information Program
Project Officer: Vera Franz
Project start and end dates: January 1 2014 to April 30 2015
Grant Number: tbd
Program and Project Code: tbd
Geographic Region: Brazil
Beneficiary Population: General
Subject Area Served (up to three, leave unused fields as default):
Media, information, arts || Click to select || Click to select
Strategic Method: Advocacy
Progress report dates: interim report – June 30, 2014; final report

Applicant Budget

Total grant amount requested from OSF (in USD): \$100,000
Applicant's total organizational budget: \$532,000 (2014), \$585,200 (low estimate for 2015)
Previous OSF Grants: 161,315 USD (2007), 94,000 (2005), \$119,010 (2009), \$140,000 (2011)
Other major donors to the organization and size of their contributions: Ford Foundation (\$200,000), Lemann Foundation (\$100,000), Google (\$100,000), Global Partners (\$40,000)

Recommended Action

Recommendation: Approval Partial Approval
Amount recommended: US \$ 100,000
Number of tranches: 2
Dates of payment: start of grant period; approval of interim report

Proposal Summary and Analysis

Executive Summary

The Brazil-based Institute for Technology and Society (ITS), headed by Ronaldo Lemos, is requesting \$100,000 in core funding from the Open Society Information Program for the period January 2014 to April 2015. The main purpose of the funds is to partially cover the costs of establishing ITS as a fully functioning independent entity, including hiring the initial staff and putting in place operational systems. ITS will also continue to implement the A2K and digital rights research and advocacy programs begun at the Center for Technology and Society at FGV and now the responsibility of ITS.

Organization Description

The Institute for Technology and Society has been established as an independent non-profit institution in July 2013, spun out of the ten year experience of the Center for Technology and Society (CTS) at the Getulio Vargas Foundation (FGV) Law School. Under Founder and Executive Director Ronaldo Lemos, CTS had established itself as the premier center of research and advocacy on access to knowledge and digital rights issues in Brazil. Ronaldo and his team for example partnered with the Ministry of Justice to develop, through public consultations, Marco Civil, Brazil's civil rights framework for the internet (which will be voted on before the end of 2013) and the Personal Data Protection Act. CTS also worked closely with the Ministry of Culture in updating the Brazilian Copyright Act (which is expected to be presented to Congress in Fall 2013).

In April 2013 Ronaldo Lemos and his deputy were dismissed by the Dean of FGV Law School and a new Executive Director, Nelson Jobim, was installed the following month. Nelson Jobim had held different political posts throughout his career including leader of the Brazilian Democratic Movement Party (the main party opposing Marco Civil) and Minister of Justice and Minister of Defence.

Recognizing that politics played an important part in the leadership changes at CTS, Ronaldo Lemos and his senior team decided to create an independent center, the Institute for Technology and Society. ITS was legally registered as a non-profit association under Brazilian law in July 2013 and has worked over the Summer to develop its value proposition, governance structure and revenue model with the help of Stephen McCormick, a consultant supported by OSF.

Purpose

ITS intends to become one of the most influential institutions focused on issues of technology and society in the Global South, leveraging the ten-year experience of its team, its international collaborations and the role of Brazil in influencing global developments. ITS will work to identify emerging threats and opportunities technology creates for our societies; carry out interdisciplinary analysis with a focus on implications for fundamental rights and social inequalities; translate complex issues for policy makers and the public; and mobilize progressive forces to oppose threats and make use of opportunities for positive policy change. As its capacities develop over time, ITS aims to complement its analytical capacities by offering trainings and education for policy makers and civil society, and facilitate collaborative efforts bringing together sectors and actors with often competing priorities.

Governance

ITS has laid out a solid plan for its governance structure. The ITS Assembly, which includes the senior staff that have left CTS as well as new associates (full list is in the proposal), are currently governing ITS. None of them are currently drawing a salary from ITS. The Assembly is in the process of recruiting Board Members and amending ITS' bylaws to delegate full governance authority to the Board including the establishment of an Executive Committee to oversee operations. Governance is expected to be handed over to the Board by the end of 2013, and in early 2014 a number of the Assembly Members will join ITS as salaried employees. ITS is approaching the following candidates to serve on the Executive Committee of the Board: Ana Toni (former Director of Ford Foundation's Brazil Office), Eliane Cost (former Director of Cultural Programs for Petrobras) and Lucia Nader (Director and CER for Conectas, a human rights organization). Others to be approached for board membership include Gilberto Gil, Joi Ito, Ethan Zuckerman and Rishab Ghosh. The Executive Director will serve as ex-officio member of the Board and Executive Committee. ITS also plans to create a Board of Advisors. Only once governance has been handed over to the Executive Board, will OSF grant money be released.

ITS has signed an initial MoU with the State University of Rio de Janeiro. ITS is affiliated with UERJ's law school, one of the best law schools in Brazil. UERJ has to date contracted two of ITS' principals as faculty members and verbally committed to providing salary support for additional researchers and office space. However, a number of details remain to be worked out and ITS may determine that it wishes to remain largely independent of UERJ. Core support provided by OSF among others will ensure that ITS is able to make decision that best suit its mission, rather than accepting compromises which may affect its independence or quality of work.

Financial Health

Even though ITS is still in the process of being set up as an institution, it was already able to attract funding from a mix of international and local foundations such as the Ford Foundation (\$200,000) and the Lemann Foundation (\$100,000) as well as corporate sources such as Google (\$100,000). Initially ITS will rely predominantly on international and national grant funding, yet the goal is to generate at least 30% of revenue from government and private sector contracts by 2016.

ITS expects to operate from September 2013 through December 2014 with a budget of around BRL 1.5 million (US\$644,000 or \$112,000 in 2013 and \$532,000 in 2014); ITS has secured 100% of its 2013 budget

and 40% of its 2014 budget. It is expecting support of \$50,000 from the State University of Rio de Janeiro for faculty salaries and other expenses, and is planning to submit a funding application to Omidyar. OSF's funding would represent 12% of the 2013-14 budget.

Reputation and Leadership

The fact Ronaldo and his team were able to secure substantial funding while setting up the new organisation, speaks to the excellent reputation that the group has developed over the years. Ronaldo is widely regarded as a leading thinker on technology and society issues, writes weekly for *Folha de Sao Paulo*, the major newspaper in Brazil, has contributed to international publications including *Foreign Affairs*, has participated in over 170 public events and made 60 national TV appearances. He is the MIT Media Lab liaison for Brazil and sits on several boards including the Council for Social Communication hosted by the Brazilian Senate and Access Now, a human rights and technology non-profit with offices in New York and Tunis.

The new institutional set-up seems not to diminish the group's attractiveness. On the contrary, seasoned experts not originally associated with CTS have already committed to joining ITS as staff members. Danilo Doneda, chief privacy specialist at the Ministry of Justice, responsible for drafting the data protection bill in Brazil, will join ITS in May 2014. Ricardo Morishita, the head of consumer protection at the Ministry of Justice under Lula's government, will also become a staff member. Ronaldo thinks that what makes ITS attractive is the reputation the original team has built over the years as well as ITS' independence which allows seasoned experts to work free from institutional constraints.

Ronaldo and his team are also regarded as a reliable collaborator both nationally and internationally: The team are a key partner of the Brazilian government on several progressive legislative projects including Marco Civil. They are founding members of the Berkman Center's Network of Internet Research Center (NoC), the Yale Law School's A2K Academy and the Global Congress on Intellectual Property Rights and the Public Interest. They have a working partnership with Derechos Digitales, Chile and the Center for Internet and Society, India.

Web Presence

ITS is an effective user of online tools, in particular for mobilization and collaborative drafting of legislative proposals. For example, ITS collected 150,000 signatures against the Cybercrime bill; and received over 800 substantive contributions to Marco Civil (and helped with similar processes for the copyright and data protection bill).

Project Description

Over the grant period, ITS will build on past OSF investments and ensure that pending bills under discussion in the Brazilian Congress and Senate will include strong commitments to access to knowledge and human rights. ITS will:

- *Advocate for the adoption of the "Civil Rights based Framework for the Internet"* (Marco Civil) and once adopted, work on the implementation of the bill
- *Advocate for the adoption of an A2K friendly Copyright Act* (personnel changes in the government mean that there finally is an opportunity for progress)
- *Advocate against the efforts to criminalize the internet and the use of copyrighted works*
- *Monitor Regulatory Agencies:* In the absence of Congressional lawmaking, regulatory agencies are feeling empowered by the controversies raised by the Snowden case. There is already a perception that the agencies are stepping beyond their constitutional mandates. ITS will monitor the conduct of the agencies and lead multi-stakeholder discussion about their role in internet regulation. It will also help translate technical rules implemented by the agencies so that the average citizen can understand their impact to their fundamental rights. Where necessary ITS will assemble coalitions of players to challenge the authority of the agencies and their rulings.
- *Strengthen the digital rights network in Latin America:* In Spring 2013, Ronaldo's team, together with four other digital rights NGOs from the region, launched a monthly newsletter documenting internet-related legal reforms and litigation in the Latin American region. Building on this newsletter, ITS will

work with others to develop the “Digital Rights and Intellectual Property Observatory for the Latin America and the Caribbean”, a formal, low-cost observatory to i) ensure the quick, efficient and broad exchange of experiences and information; ii) create and develop proactive international partnerships; iii) build a positive A2K and digital rights agenda for Latin America and the Caribbean; iv) articulate the interests of progressive actors in Latin America and the Caribbean to the rest of the world; and v) more effectively organize to address national and regional threats.

Rationale for Support

The team’s achievements to date

Detailed under “Organization Description”

Opportunities in the policy environment

After the Snowden leaks, Brazil was quick to condemn the alleged practices of surveillance. However, instead of moving quickly to pass Marco Civil, various political parties have resorted to inaccurate and inflammatory predictions and threats. In order to seize the opportunity created by the Snowden leaks and successfully press ahead with the adoption of Marco Civil as well as other internet-related laws, unbiased analyses and policy recommendations as well as education and mobilization of civil society are critically important at this point in time.

It is hard to underestimate the importance of Marco Civil. Should ITS and others succeed in getting a strong version of the bill adopted, this will be the first time a national law will protect rights online in a comprehensive manner. It will be an influential template for both Latin America and the rest of the world.

Also, ITS will invest more energies on engagement with regulatory agencies which are perceived as the new battleground for internet regulation in Brazil. Finally, given the change of leadership at the Ministry of Culture in 2012, there finally is momentum for the adoption of a new, progressive Copyright Act.

Alignment with OSF strategy

The Information Program concentrates resources in influential regions and countries where positive reform is likely. Brazil is a key country in this group and ITS currently is the most important civil society partner for the Information Program in Brazil. Setting positive examples nationally can inspire others but also strengthen Brazil’s ability to advocate internationally for policies in line with open society values. For example, a Brazilian Foreign Ministry official mentioned in a conversation with me that ITS’ work is a key source of legitimacy for positions adopted by the Brazilian government internationally such as for example at the World Intellectual Property Organisation.

Indicators of Success

- adoption of balanced and rights-based Copyright Act and Marco Civil
- defeat of regressive criminalization and IP enforcement initiatives
- successful challenge of harmful regulatory practices
- strengthening of Latin American digital rights network
- business plan including organizational strategy

Concerns

Creating a new institution always carries certain risks (such as the risk of not attracting the necessary funding or the inability to build a brand), but I think the risk is minimized in this case because ITS was able to attract substantive funding and its teams already has a strong reputation in Brazil and abroad.

One potential risk is that ITS, depending on its future funding sources, may move away from a sharp focus on digital rights and become something closer to an industry-funded think tank with a less critical approach. That said, I think this risk is again minimized under the leadership of Ronaldo Lemos who has a ten-year track-record of strong human rights commitment.

OPEN RIGHTS GROUP

Applicant Information

Applicant's legal name: Open Rights Group

Applicant's legal address: Jim Killock, Executive Director
12 Duke's Road, London WC1H 9AD, UK

Administrative Information

Network Program or other OSF Entity: Information Program

Project Officer: Vera Franz

Project start and end dates: March 1, 2013 to February 28, 2015

Grant Number: tbd

Division Code: BINIP I6129

Geographic Region: UK, Europe

Beneficiary Population: General

Subject Area Served (up to three, leave unused fields as default):

Media, information, arts || Click to select || Click to select

Strategic Method: Advocacy

Applicant Budget

Total grant amount requested from OSF (in USD): \$120,503 over two years

Applicant's total organizational budget: \$378,579 (2012), \$418,075 (2013, projected)

Previous OSF Grants: \$46,000 (2008), \$86,000 (2009), \$71,000 (2010), \$66,000 (2011)

Other major donors to the organization and size of their contributions: Supporter donations (\$146,000), Fee BMD (\$71,000), Sigrid Rausing (\$44,000), Joseph Rowntree Reform Trust (\$10,000)

Recommended Action

Recommendation: Approval Partial Approval

Amount recommended: US \$ 120,503

Number of tranches: two

Proposal Summary and Analysis

Summary

The Open Rights Group is seeking a two-year grant of \$120,503 to continue its advocacy for digital rights in the UK and in Europe, working to strengthen copyright flexibilities, advocate against intrusive government surveillance and for strong data protection and campaign against privatized law enforcement by internet intermediaries. Over the grant period, ORG will also conclude its eight-month strategy process and work to grow the organization.

ORGANIZATION DESCRIPTION

The Open Rights Group (ORG) was formed in 2005 by a group of technology experts. It was launched when 1,000 people committed to paying £5 a month to sustain a new digital civil liberties organization. Today, ORG is the leading grassroots technology organization in the UK which exists to protect civil liberties and consumer rights wherever they are threatened by the poor regulation or deployment of digital technology. ORG calls these rights our 'digital rights'. ORG takes an evidence-based approach to advocacy work, mixing 'inside track' lobbying with grassroots engagement and targeted media work.

The organization has three full-time and four part-time staff members, relies on around 1,500 paying members (which cover 40% of ORG's budget), has a network of around 34,000 active supporters and a council of high-profile advisors — including Members of Parliament Tom Watson and Julian Huppert, writers such as Heather Brooke and leading legal experts and academics.

In 2012, the Open Rights Group was awarded Liberty's Human Rights Campaigners of the Year Award. ORG's Executive Director Jim Killock was named by Managing IP Magazine as one of the most influential figures in the intellectual property world, in recognition of ORG's work on copyright and campaigning against ACTA in particular.

Governance and organizational development

ORG is overseen by a Board of nine directors, three of whom are elected by the organization's paying supporters. The others are recruited through an open process. Each director serves a three-year term. A round of recruitment or elections takes place each year. The Executive Director reports to the Board every two months, and develops a business plan for the Board annually. The Advisory Council (AC) provides support for policy development but has no formal power over the organization.

ORG is a well and transparently governed organization with an actively engaged Board, as Board Director Simon Phipps confirmed to me. He singled out ORG's board meetings as the best-prepared board meetings he attends. Advisory Council Member Paul Sanders said that the AC has some exceptionally good members and this points to the good reputation ORG has built over the years.

There has been staff turn-over in the earlier years (2005-2010), but for the past two years, ORG has had stable leadership and staff. Simon Phipps and Paul Sanders both stressed that Peter Bradwell, the Policy Director, is exceptionally talented. In fact, thanks to Peter, I think ORG's ability to impact the policy process has grown substantially (see below for policy achievements). Jim Killock, Executive Director, provides leadership in growing the organization. See next section.

Revenue model

ORG generates 40% of its income from 1,500 paying supporters. The remaining budget is covered by OSF and UK-based private foundations including the Sigrid Rausing Trust, the Joseph Rowntree Trust, the Andrew Wainwright Trust and the Charles Dunstone Trust. Given the strong supporter base and diversity of foundations, ORG is on a relatively stable financial footing.

That said, given the increasing prominence of digital civil liberties, ORG is struggling to cover the range of issues with its current staff. ORG is hence attempting to grow at 20-30% per annum, in both supporter numbers and funding, over the next three years. ORG wants to do so by maintaining the current funding relationships, increasing the number of paying supporters by 100% over the coming three years (they have just hired a part-time supporter engagement officer and the plan is for this position to eventually be full-time and self-sustainable) and applying for new grants to private foundations including the Esmee Fairbairn Trust, the Law Society and the Open Data Institute. This growth plan will be grounded in a three-year strategic plan that the organization is currently finalizing.

Use of the Web

The Open Rights Group is a leader in the use of web tools for campaigning and is using software that combines supporter management with campaign actions. This allows ORG to set up actions that help supporters mail their MPs or respond to consultations. For example, ORG helped around 2,500 supporters respond to the UK Government's consultation on parental internet controls, which represented 75% of overall responses. Similarly, ORG helped many thousands of supporters contact their MEPs about ACTA in the first months of 2012.

PROJECT DESCRIPTION

Context and Background

As digital technologies play an increasingly important role in the lives of people across the world, advocacy for the protection of free expression, privacy and due process online has become a key arena for defending human rights. The European Union is a strategically important place for intervention: Several EU standards, for example on the protection of personal data, are currently perhaps the most human-rights-friendly in the world, and are serving as an important reference point for activists and

governments globally. Also, the EU is a powerful voice in international norm-setting, as the campaign against ACTA has shown. Yet, the EU is increasingly threatening to abandon its commitment to human rights protection online. This is why the Information Program is working to strengthen the digital rights network in Europe. ORG is an important member of this network.

Objectives and Goals

To advance digital rights in the UK and Europe, ORG will:

- promote balanced copyright laws, focussing on the the UK government commitment to introduce copyright exceptions and the EC 'License Europe' initiative;
- advance human-rights-compliant copyright enforcement, focusing on the UK Digital Economy Act;
- counter proposals for more intrusive government surveillance by campaigning against the UK Communications Data Bill and and advocate for a better data protection regime, focusing on the review of the EU Data Protection Directive;
- promote freedom of expression through the revision of laws regulating speech online such as the UK Communications Act from 2003 and advocacy against privatised enforcement;
- run technical projects to monitor network management by ISPs and promote better net neutrality regulation.

ORG will advance those policy objectives by undertaking policy analysis, advocating directly with policy-makers in the UK and in Brussels, working with the media and engaging the grassroots in putting pressure on policy-makers.

Indicators of Success

Success for this project will mean that ORG is able to substantially impact the policy process, grow its own supporter and funding base and recruit at least two new high-quality staff members by the end of the grant period

RATIONALE FOR FUNDING

Over the past five years, ORG has become the leading grassroots technology policy advocacy group in the UK. It has strengthened its ties with Westminster. For example, MP Julian Huppert is a member of ORG's Advisory Council and is on the Joint Committee in Parliament scrutinizing the Communications Data Bill that would introduce broad surveillance powers. ORG is also an invited member of two government advisory bodies. At the same time, ORG has worked hard to engage the grass roots, setting up a number of local groups campaigning for digital civil liberties in cities across the UK, including in Sheffield, Manchester, Brighton and Edinburgh. The organization has also developed good partnerships with other NGOs such as Privacy International, Liberty and Index on Censorship campaigning jointly against the UK Communications Data Bill.

Over the previous grant period, ORG was able to achieve important impacts on policy: (a) the UK Government committed to introducing exceptions to copyright proposed initially in the Hargreaves Review in 2011; (b) the Parliamentary Joint Committee examining the draft Communications Data Bill published a highly critical report that will result in significant revisions of the proposals; (c) the Department for Education responded to the consultation on parental internet controls by ruling out default ISP filtering and committing to an 'active choice' approach to filtering. These developments were all manifestly influenced by Open Rights Group campaigns and advocacy.

Funding ORG is in line with the Information Program's strategy of building a strong European network in this field. ORG is among the four strongest national digital rights groups in Europe working to influence their governments' positions on digital rights

Concerns

One of my concerns is that ORG, given its size, has taken on too many issues at once. This is unfortunately common among many digital civil liberties groups which are all relatively young. Nevertheless, I believe it is important for every country to have a group that covers digital rights across the board to ensure that we understand the complex picture and draw connections and explore tensions between copyright and free expression or open data and privacy. ORG is responding to this challenge by concentrating energy on strategy development and organizational growth.

I also think that ORG should be more engaged in Brussels. The Board Director I talked to, however, insisted that ORG's focus for now, given its size, needs to be the UK first and foremost, as the UK is the source of particularly bad proposals in this space. What I've agreed with staff is that over the coming grant period ORG will focus on the EU dossiers on data protection and copyright, and strengthen its engagement in Brussels once ORG has recruited additional staff.

PANOPTYKON FOUNDATION

Applicant Information

Applicant's legal name: Panoptykon Foundation
Applicant's legal address: Orzechowska 4/4, 02-068 Warszawa, Poland
Project title: Core Grant

Administrative Information

Network Program or other OSF Entity: Information Program
Project Officer: Vera Franz
Project start and end dates: January 1 2014 to December 2015
Grant Number: tbd
Program and Project Code: tbd
Geographic Region: Poland, Europe
Beneficiary Population: General
Subject Area Served (up to three, leave unused fields as default):
Media, information, arts || Click to select || Click to select
Strategic Method: Advocacy
Progress report dates: interim report December 31 2014; final report

Applicant Budget

Total grant amount requested from OSF (in USD): \$140,000 over two years
Applicant's total organizational budget: \$200,000 (2014), \$220,000 (2015)
Previous OSF Grants: \$75,000 (2011) co-funded by the Information Program and Think Tank Fund; \$185,850 (2012-13) co-funded by the Information Program and Think Tank Fund
Other major donors to the organization and size of their contributions: CEE Trust (\$85,000), Batory Foundation (\$30,000), Heinrich Boell Foundation (\$14,500), Polish Ministry of Culture (\$120,000)

Recommended Action

Recommendation: Approval Partial Approval
Amount recommended: US \$ 140,000
Number of tranches: 2
Dates of payment: approval of grant; approval of interim report

Proposal Summary and Analysis

The Panoptykon Foundation was established in 2009 upon the initiative of four lawyers who were concerned about the lack adequate privacy guarantees as well as public debate about it. Today, the Panoptykon Foundation is the premier NGO working to protect human rights in the online environment in Poland and is one of the strongest members of the European network of digital rights advocacy groups.

The Panoptykon Foundation aims to protect human rights in the surveillance society by carrying out research, being a watch-dog (e.g. launching FOIA requests and monitoring the legislative process), launching advocacy campaigns (such as the campaign against ACTA) and educating the public about threats to our fundamental rights. PF focuses in particular on the privatisation of law enforcement, the scope of policy and secret services' powers censorship and surveillance, and the collection and integration of data by both public and private entities.

Currently, PF has five full-time and two-part time staff members and cooperates with around ten experts that provide advice and expert support on a regular and voluntary basis. Katarzyna Szymielewicz, the Executive Director, has quickly established herself as a trusted expert in the field. She sits on the Advisory Board for the Polish Minister of Administration and Digital Agenda and has been elected as one of three Board Members of European Digital Rights, a network of 35 NGO members. In 2013, the Panoptykon Foundation has received an award for "courageous, exceptional, unconventional actions [...] which had

considerable influence on social awareness or even changed Polish reality in 2012” from the media outlet TOK FM.

Governance

PF is a well governed organisation. Its Executive Board, composed of Director and Deputy Director, is in charge of day-to-day operations. Organisational oversight lies with the Council who exercises financial oversight and approves the organisational strategy. Currently, the Council is composed of three members: Adam Bodnar, a leading Polish human rights activist; Piotr Drobek, responsible for international cooperation at the Polish Office for Personal Data Protection and Polish representative on the Supervisory Body of Europol; and Krystian Legierski, LGBT activist and Vice-Chairman of Warsaw City Council’s Economic Development Committee.

Revenue model

The Panoptykon Foundation is currently funded by a mix of private foundations (OSF, Batory Foundation and CEE Trust), governmental bodies (Heinrich Boell and Polish Ministry of Culture) and corporate players (Google), with private foundations still covering the biggest share of the budget. The organization has started and will continue to diversify its funding and will grow its budget in 2014. PF plans to attract more public money including from other Polish ministries, Norway Grants and the European Commission. Given the success of PF’s campaign against the Anti-Counterfeit Trade Agreement in 2012, Panoptykon is also planning to explore the feasibility of developing an individual donor base through fundraising campaigns.

Use of Web

Through its website (with 900 articles published so far) the Panoptykon Foundation reaches around 87,000 unique visitors a year, and an additional 47,000 via its blog hosted by the independent media outlet Blog TOK FM. Its use of social media could be improved. Also, Panoptykon is not so far using online tools for mobilization in a systematic way. PF’s organizational capacity building efforts over the coming years will take a strong focus on developing its communications strategy including the use of online mobilization.

Project Description

Objectives and Goals

(1) PF will advocate for human rights standards in government surveillance including:

- advocate for strong human rights standards in the EU Directive on Data Protection
- advocate for the repeal of the EU Data Retention Directive (the European Court of Justice ruling on the Directive, supported by the Information Program, is expected by end of 2013)
- advocate for increased transparency of international cooperation between secret services (including data exchange schemes) and maintain pressure on the European Commission to insist on stronger safeguards vis-à-vis Programs like PRISM
- maintain pressure on Polish government to revise the legislative framework for access to telecommunications data by the police and secrete services

(2) PF will advocate for human rights standards in corporate surveillance including:

- advocate for strong human rights standards in the EU Data Protection Regulation
- advocate for data protection safeguard in the area of international data transfers (including shortcomings of the Safe Harbour program)
- advocate for maximum transparency of the Transatlantic Trade and Investment Partnership (TTIP) including opposition to include of data flow provision in this agreement

(3) PF will advocate for the protection of free expression online including:

- advocate against privatized enforcement by internet intermediaries including in TTIP
- ensure that the EU Notice and Action Directive is protective of free expression and privacy

The Panoptykon Foundations sees capacity and sustainability building as an ongoing process and will hence use some OSF funds to strengthen its fundraising capacities, develop its IT infrastructure,

strengthen its external communications, identify and meet trainings needs of team members, and develop a methodology for evaluation its impact on policy.

Activities

Monitoring and research; policy intervention and advocacy; information sharing and awareness raising

Indicators of Success

- Final EU Data Protection Directive contains strong data protection standards
- EU Data Retention Directive will be opened for review
- TTIP contains human rights standards
- Increased transparency of and safeguards for government surveillance
- Obtain new sources of funding
- Strengthen external communication
- Develop a framework for the evaluation of PF's policy work

Rationale for Support

Achievements to date

Within four year, the Panoptykon Foundation has become a well-known organization in Europe and trusted partner for the Polish government, Polish Parliament and European Parliament on digital rights matters. The organization is regularly invited to join expert and advisory groups and provide opinions on pending dossiers. Also, over the past two years, Panoptykon was able to decisively influence the course of law and policy. Most importantly, it convinced the Polish Prime Minister, with support from thousands of protestors on the street, to reject ACTA. Once Poland had voiced its opposition, several other European governments followed suit. Panoptykon's ED explains that since the ACTA campaign, the government pays much more attention to digital rights-related concerns voiced by civil society. This has greatly leveraged Panoptykon's influence over the governments. For example, around half of Panoptykon's 20 drafting recommendations for the Data Protection Regulation were accepted by the Polish government and reflected in its negotiation position in Brussels. Also, Panoptykon persuaded the Polish Prime Minister to abandon proposals to block websites with illegal content. Since then, not a single proposal of internet censorship has been successfully introduce in Polish Parliament. And a two-year advocacy campaign resulted in shortening of telecommunications data retention in Poland from 24 to 12 months.

Strategic important of Europe for digital rights

The European Union is a strategically important place for advancing protection of human rights online: Several EU standards, for example data protection standards, are currently the most human rights friendly and are serving as an important reference point for activist and governments around the world. Also, the EU will play a key role in determining policy responses to the Snowden leaks with regards to both surveillance practices and standards. Finally, the EU is a powerful voice in international norm setting as the campaign against ACTA has shown. This is why the Information Program is working to strengthen the digital rights network in Europe. The Panoptykon Foundation is one of the strongest and most important members of this network.

Concerns

I am glad to see that the Panoptykon Foundation, a very lean operation, has started to diversify its funding base and will hence be able to grow its annual budget in the coming two years. Yet, there is the risk that public and corporate money will compromise its independence and mission. To at least partly mitigate this risk, PF will use governmental and corporate money for educational and research purposes only. This means that for its hard-hitting advocacy it will remains dependent on OSF, which would hopefully be complemented by Norway Grants support administered by the Batory Foundation. Changing this dependency will in part depend on us being able to attract new funders to the digital rights advocacy space in Europe, which is a priority for the Information Program currently.

PRIVACY INTERNATIONAL

Applicant Information

Applicant's legal name: Privacy International
Applicant's legal address: Privacy International, 46 Bedford Row, London, WC1R 4LR
Tel: +44 (0) 20 7242 2836

Administrative Information

Network Program or other OSF Entity: Information Program
Project Officer: Vera Franz
Project start and end dates: April 1 2012 – March 30, 2014
Program and Project Code: BINPO I6128 (Privacy)
Geographic Region: Global
Subject Area Served (up to three, leave unused fields as default):
Click to select || Click to select || Click to select
Strategic Method: Click for dropdown.
Progress report dates:

Applicant Budget

Total grant amount requested from OSF: £140,003 (over two years)
Applicant's total organizational budget: £645,969 (over two years)
Previous OSF Grants: \$50,000 (2002), \$60,000 (2003), £58,292 (2011), £29,146 (2012)
Other major donors to the organization and size of their contributions: International Development Research Center (£228,162), European Commission (£43,351 and £75,244), Esmee Fairbairn (£40,554) and Joseph Rowntree Reform Trust (£33,750)

Recommended Action

Recommendation: Approval Partial Approval
Amount recommended: US \$ 222,000
Number of tranches: tbd

Proposal Summary and Analysis

*Organization Description

Privacy International's mission is to defend the right to privacy across the world, and to fight surveillance and other intrusions into private life by governments and corporations. PI was founded in 1990 and is the oldest international privacy organization in the world. It has associates and networks in 47 countries. In order to protect the right to privacy, PI conducts focused investigations into aspects of privacy, security and surveillance, and produces information and recommendations for policymakers and the media in order to clarify critical issues. PI is frequently called upon to give expert testimony to parliamentary and government committees around the world. PI has advised and reported to international organisations including the Council of Europe, the European Parliament, the OECD and the United Nations.

*Project Description

Privacy International is seeking core support from the Information Program in the amount of \$222,000 (USD) over two years. This grant will support the implementation of PI's new strategy and reorganization plan, which PI developed over the past year with a planning grant from the Information Program. The Information Program's grant will support PI's work in two of its four strategic areas: (1) The tracking of the sale of surveillance technologies from Western countries to undemocratic governments around the world, and (2) the promotion of the international human right to privacy in developing countries.

*Rationale

(1) While threats to privacy in developing countries can be particularly severe, civil society capacity to defend privacy and restrict inappropriate surveillance is very limited. There is an urgent need to build the capacity of civil society in developing countries, expose some of the most egregious violations and assist groups to intervene at key policy windows in their countries. (2) Privacy International (PI) is uniquely

positioned to take on this challenge. As a recent evaluation of PI by the OSF Information Program found, Privacy International is the only NGO working substantially on privacy internationally; it is a respected policy analyst; it is an effective and respected actor with industry and government including IGOs; and, more recently, has established itself as capacity builder who seeds privacy groups in developing countries. In addition, over the past year PI has successfully completed an organizational development process supported by the Information Program. The main challenge was for PI to successfully transition from a reactive rapid-response campaigning group into an organization with a clear set of longer-term strategic priorities. This is all the more important as privacy has grown into a highly complex issue requiring more comprehensive and long-term strategies to promote policy change. Please consult the proposal for details on the redevelopment of PI, PI's Strategic Plan 2012-15 and Work Plan 2012.

LA QUADRATURE DU NET (LQDN)

General Support Grant Docket Summary Two-year General Organizational Support

DATE: October 8th, 2012

GRANTEE: La Quadrature du Net (LQDN)

CONTACT: Jeremie Zimmermann jz@laquadrature.net, Co-Founder and Spokesperson

La Quadrature du Net, 19 rue Richard Lenoir, 75011 Paris, France

La Quadrature du Net is an advocacy group defending the rights and freedoms of citizens on the internet. See below for more details.

ADMINISTRATIVE INFORMATION:

Program name and code: Information Program BINPO I6129 (\$200,000) and BINCN I7533 (\$48,815)

Grant period: October 1, 2012 to September 30, 2014

Geographic region: Europe, global

Program officer: Vera Franz

BUDGET:

LQDN currently derives half of its budget from its community through small donations from more than 5000 individuals. The Information Program has been matching this amount and proposes to continue to do so. LQDN is currently approaching additional institutional funders (see below).

Total organizational budget: \$607,000 over two years (realistic scenario) and \$719,000 over two years (optimal scenario)

Grant amount requested: \$248,815 (2 years)

Grant amount recommended: \$248,815 (2 years)

Other funding:

- \$250,000 over two years from individual donations—in 2012 LQDN raised \$100,000 in individual donations and expects to increase this amount to \$125,000 a year in 2013 and 2014;
- LQDN also plans on raising between \$55,000 (realistic scenario) and \$110,000 (optimal scenario) a year for 2013 and 2014 from institutions such as the European Commission and Fondation Charles Léopold Mayer pour le Progrès de l'Homme

Previous grants from OSF: 60,000 Euro (2011), 50,000 Euro (2010), 50,000 Euro (2009), 70,000 Euro (2008)

KEY POINTS

La Quadrature du Net is a young grassroots campaigning organization which has proven remarkably effective in advocating for the protection of rights and liberties in the digital environment, especially in Europe. This grant is intended to help it develop from an ad-hoc initiative driven largely by volunteer efforts to a more mature organization with proper management capacity and ability to develop longer-term strategy; the grant will also support several specific campaigns, outlined below. La Quadrature's ability to reach out to and mobilize very large numbers of young people could also prove an asset for OSF's own future engagement in European issues.

ORGANIZATION DESCRIPTION/GOALS:

La Quadrature du Net was founded in 2008 by a group of five activists who for many years had been involved in advocacy for freedom of communication in the digital environment as well as the open source software movement. The organization's mission is to empower citizens, especially younger people, to influence internet and knowledge governance policies by participating in the democratic debates around these issues, and, in the process, empower them to become more active citizens in general. More specifically, LQDN advocates for the adoption of French and European legislation to respect what they take to be the founding principles of the internet, such as the free circulation of knowledge and

opposition to censorship and pervasive surveillance. As such, La Quadrature du Net engages in public-policy debates concerning freedom of expression, copyright, regulation of telecommunications, digital surveillance and privacy.

In its work, LQDN campaigns against harmful legislation (for example, ACTA, other overreaching copyright enforcement proposals such as the proposed EU IPR Enforcement Directive, the French HADOPI law and similar internet surveillance and filtering proposals) but also develops and advances a positive agenda of constructive policy proposals on issues such as network neutrality, open spectrum, recognition of non-commercial rights to share between individuals, financing schemes for culture, and the availability of open, independently-produced data to inform policy decisions.

LQDN's mode of action is based on creating tools for citizen participation, activism and advocacy. They include informational tools ("dossiers", policy briefs, analysis, press releases, etc.), creative communication packages and campaigns (graphics, videos, web-based campaigns) as well as web-based free software tools and processes for concrete action enabling citizens to interact with policy-makers (such as "Political Memory" a.k.a. "MemoPol" for reaching out to and scoring MEPs, "PiPhone" for calling a targeted sub-set of MEPs for free or "RespectMyNet" to crowdsource the detection of net neutrality breaches).

LQDN is unusually effective in using existing advocacy platforms (e.g. its ACTA campaign video went viral: it was ranked #1 in the YouTube "News and Politics" section during a critical period of the campaign, and has had more than 3 million views) but it also develops tools like the ones mentioned above when LQDN's campaigners identify needs that can't be met by existing tools. These tools are then honed by campaigners in action, and help to strengthen the reach and impact of their campaigns.

PROJECT DESCRIPTION:

The first installment of the grant is to cover 6 months of transition to new structures and procedures, as well as the external work of LQDN over this period (campaigns, policy analysis and tool development). Specific deliverables over these six months relating to the organizational development of LQDN would include the following:

- establishment of a legal entity ('incorporated association sans but lucrative') separate from FDNN, and a bank account in the new institution's name;
- a set of basic financial policies covering expenditures and internal controls on spending and accountability. These will include provisions such as who is authorized to approve expenditures, up to what amount, and who will review them, and what policies will ensure that expenditures are in line with donor requirements and the requirements of law;
- documents such as bylaws, or board or founder "resolutions" outlining the governance of the new legal entity, and specifying the terms of board members or council members, how they are to be elected and dismissed and how decisions will be taken in the absence of consensus;
- an organizational chart and job descriptions, showing staff reporting relationships, including to the LQDN council.

The intent is for LQDN to put in place the systems which will be required by donors of larger sums, recognizing that LQDN wishes to retain as much of its original organizational culture as is compatible with its mission.

RATIONALE FOR SUPPORT:

1. *Europe's role in protecting freedoms online:* As Europe enters a very active period of digital rights policymaking and a number of important EU directives are being opened for review, we face a real danger that the standards of protection for basic rights and liberties will be watered down at the same time that new frameworks enabling pervasive surveillance of internet communications are gradually put in place. This would mean that European standards of human rights protection, often cited as a global

benchmark by human rights defenders around the world, would be eroded. Also, beyond Europe, the EU is playing an influential role in policy making in key global forums, for example in the upcoming ITU World Conference on International Telecommunications. Actors like LQDN, who are maturing into a strong voice for digital rights on the European stage, play an critical role in holding the EU and its governments to account.

2. *La Quadrature's track record:* Combining grass-roots mobilization with innovative use of advocacy tools, La Quadrature has become a key actor in the campaign for online freedoms in France, Europe and beyond. It has scored important victories on the policy front, such as the rejection of ACTA by the European Parliament. While the defeat of ACTA in Europe was a collective effort, La Quadrature was one of the central nodes in what became a global campaign network, educating citizens and policy makers about ACTA since 2008 and, at the decisive moment, reaching millions of people with its message. A European Commission representative (Jan-Willem Verheijden, DG Internal Market) and a Member of European Parliament ([Marietje Schaake](#), Alliance of Liberals and Democrats for Europe) have confirmed in conversations with me that LQDN is, together with the European Digital Rights Initiative, the key NGO that continues to be the most influential on key digital freedom dossiers such as the IPR Enforcement and eCommerce Directives. In recognition of La Quadrature's achievements, Jeremie Zimmermann, co-founder and spokesperson of the group, was awarded the 2012 "Pioneer Award" by the Electronic Frontier Foundation earlier this year.

3. *Grass-roots engagement:* Besides its effectiveness on the policy making front, LQDN successfully mobilizes citizens from around Europe to make their voices heard in Brussels. La Quadrature is keen to stress that this engagement goes beyond the idea of inviting citizens to sign petitions. LQDN is, for example, soliciting responses to EC consultations from citizens across Europe—this resulted in citizens being the largest group to respond to the IPR Enforcement Directive consultation. Also, LQDN is crowd-funding trips to Brussels for citizens and coaching them on how to advocate with MEPs. As a result, 30 citizen activists have been funded to visit the European Parliament over the past 18 months to speak to MEPs about their concerns. I think that LQDN's commitment to this broader engagement by citizen is particularly important in Europe, as this region lacks a strong tradition of grassroots rights advocacy.

RISKS:

La Quadrature du Net is at a critical juncture as an organization. The spokesperson and co-founders have concluded that LQDN cannot continue to operate relying on its current ad-hoc arrangements. Staff members are threatening to burn out and the quality of work would suffer as a result. This is why the group has developed a reorganization plan. In my view, this process is not without risks. First, while I am confident that LQDN will be able to increase the money it will raise through individual donations, I am more skeptical about their prospect of raising substantial funding from institutions. LQDN is a hard-hitting campaigning group and hence not a congenial grantee for staid institutional donors like the European Commission. Another risk is the fact that the spokesperson Jeremie Zimmermann will have to delegate work and responsibility in order for this new organizational structure to work. As the charismatic leader and co-founder of the organization, he will find it challenging to adapt to this new arrangement.

I am convinced that it is worth taking these risks. The community advocating for human rights in the digital environment in Europe badly needs a creative, spirited and effective player like LQDN. Yet I also intend to monitor the implementation of this grant particularly carefully. This will mean, for example, that the disbursement of funds should be contingent on LQDN taking specific steps spelled out in a detailed reorganization plan. I would also recommend to engage the organizational development consultant with whom they've worked for an additional 4-5 days over the course of the coming year to assist with monitoring and advising on this critical phase in LQDN's existence.