

Brazil's experience in getting cooperation from ISPs in the fight against child pornography

Background:

- 4th country in online child pornography ranking (2008: 1.000 new CP sites monthly)
- NGO Safernet: 90% of online CP denunces refer to images in Google's Orkut (relationship networking web site)



Outcome:

- Congress urged ISPs to cooperate with enforcement authorities
- Federal Prosecutors filed lawsuits requesting ISPs' cooperation
- Some major ISP's signed Cooperation Agreements
 - Benchmark: Agreement w/ Google in Sao Paulo (July 2008; "Largest cooperation by Google with authorities in the world." - Google Brazil's President)

Gilberto Martins de Almeida (mda@all.net.br)

Cooperation Agreement with Google – contents:

Information:

- Report denunces informed to NCMC;
- Report CP situations present in Google;
- Make communication tool available, in order to be able to respond within 72 hrs;
- Establish security centre in Orkut;
- Maintain list of known CP URLs, and share w/ other entities
- Maintain links to web sites of Federal Prosecutors and of Safernet;
- Fund creation and imprinting of 100.000 copies of awareness document targeted at children, to be approved by Federal Prosecutors
- Bimonthly reports on removed profiles and communities, time taken, nr. of images removed, nr. of complaints addressed/not addressed;
- Promote continuing technological enhancement;
- Create postal address for complainants who don't access Internet, response to which shall be delivered within 30 days

Infrastructure:

- 90-day, 40hrs/week of software engineer and of 2 development analysts, for specs and development;
- Free loan of equipment, updated every 2 years, and support + maintenance;
- Periodical videoconferences and travels of the technical teams
- Bimonthly meetings to discuss efficiency;
- 180-day data preservation: email login, IP number, access logs, time; upon authorities request: CP contents; upon Court's order: provide such data

Gilberto Martins de Almeida (mda@all.net.br)

Cooperation Agreement with Google – contents:

Procedures:

- Remove illicit contents in Orkut, except for pending judicial controversy
- Support authorities by establishing international channels for data exchange
- Post materials in web site informing applicable legislation in the "abuse report" and "security centre" areas
- Federal Prosecutors must submit complete requests (URL, profile, member, page, msg), if possible
- Implement process capable to handle up to 500 URLs/day submitted by Safernet;
- Implement filtering technology to automatically delete known CP;
- Detect and remove accounts of users already punished for CP
- Review most accessed suspicious pages and pages of known pedophiles
- Reorganize Orkut's support to respond in 15 working days

Enforcement:

- Publication of announcement in newspapers and in Orkut
- Receive and address summons, including the ones directed to parent company;
- Pre-authorized enforcement via injunction procedure;
- Failure to comply: 5 days for cure, then daily fine (US\$ 10K)
- Validity for undetermined duration
- Settles prior lawsuits
- Venue: Sao Paulo

Gilberto Martins de Almeida (mda@all.net.br)
