

# Combatting Online Challenges

The NetSafe model and approach

→ Martin Cocker. Executive Director, NetSafe

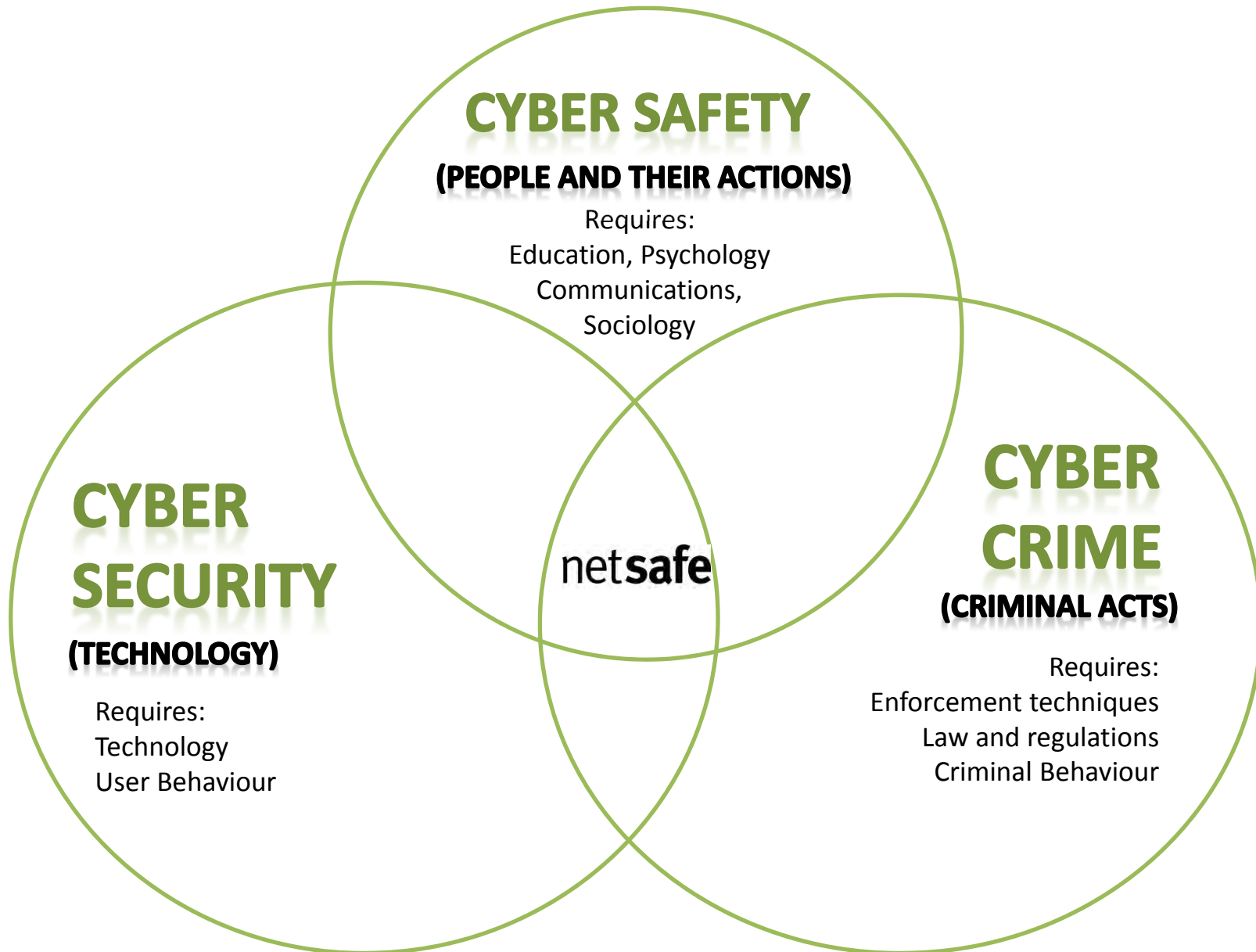
A safer more secure online environment that encourages New Zealanders to uptake digital opportunities.

Kaua e mate wheke mate ururoa  
*Don't die like a octopus, die like a hammerhead shark*

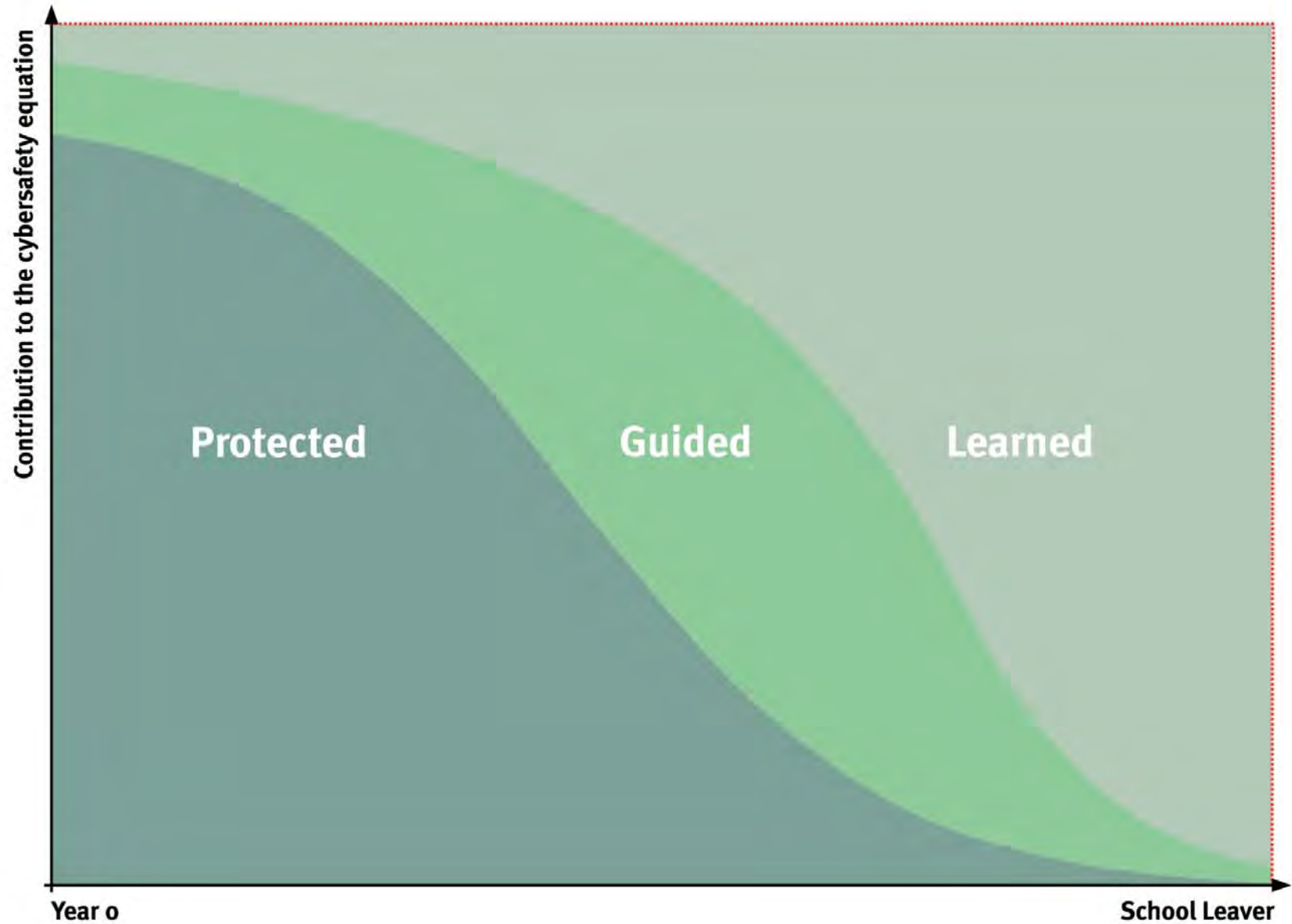
**netsafe**  
www.netsafe.org.nz

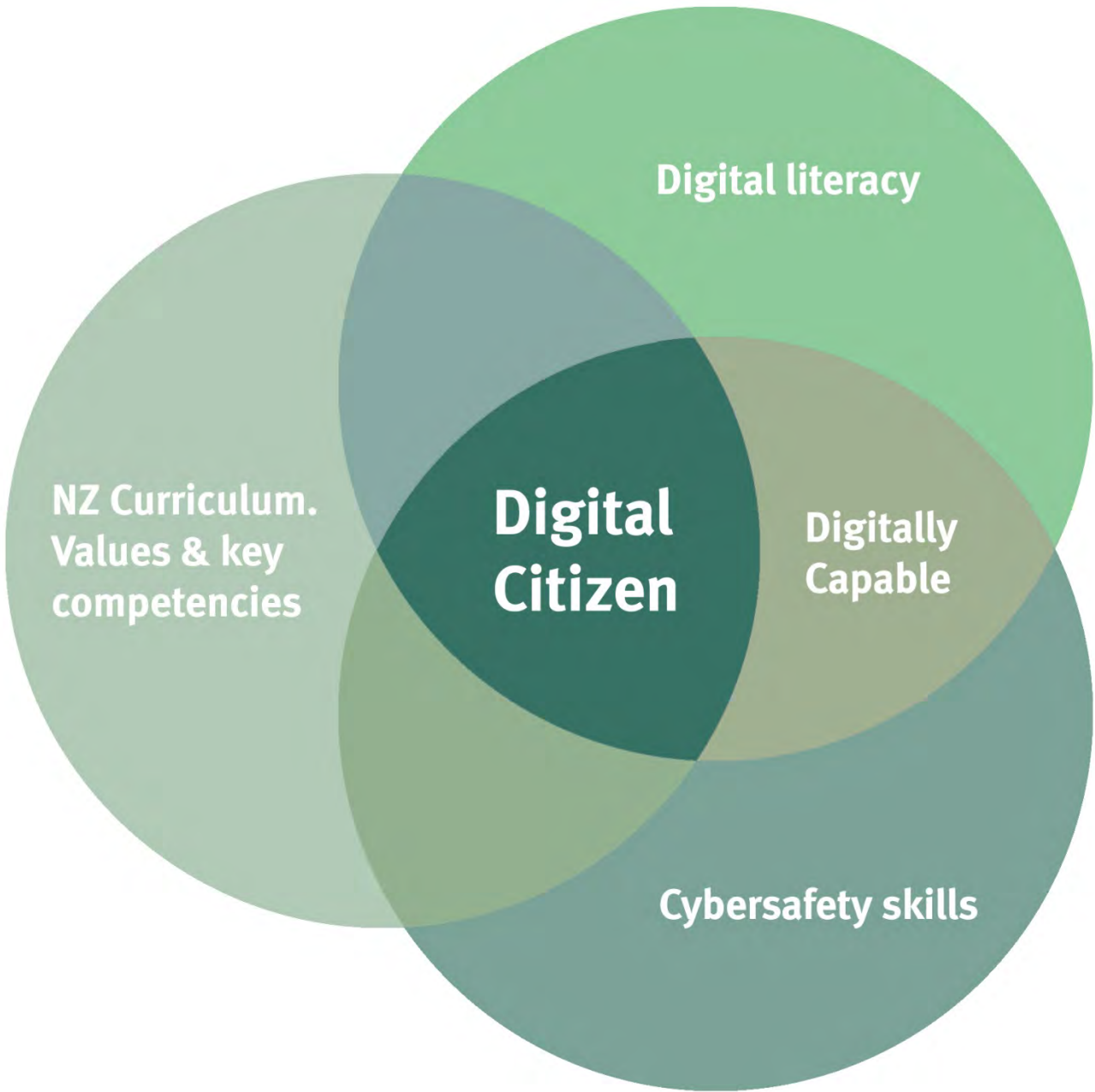


Naku te rourou nau te rourou ka ora ai te iwi  
**With your basket and my basket the people will live**

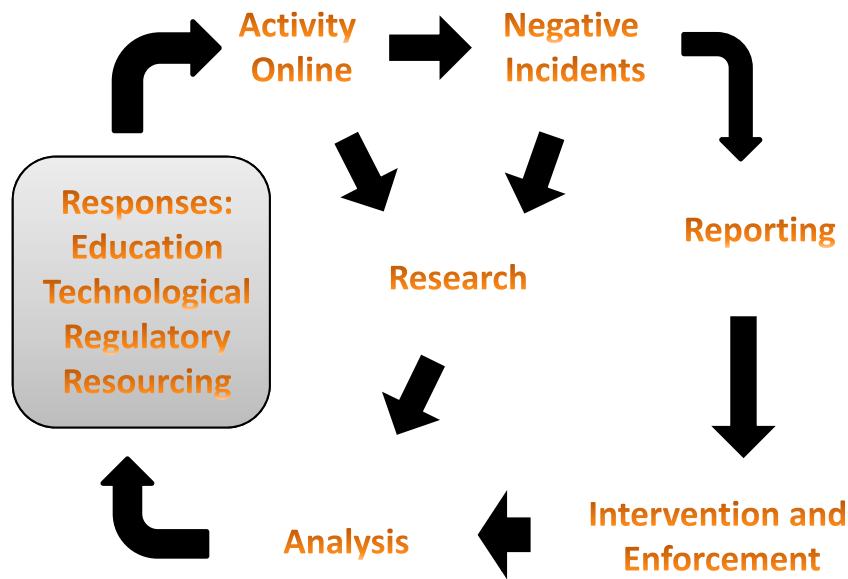


Ma te huruhuru ka rere te manu  
With feathers the bird can fly



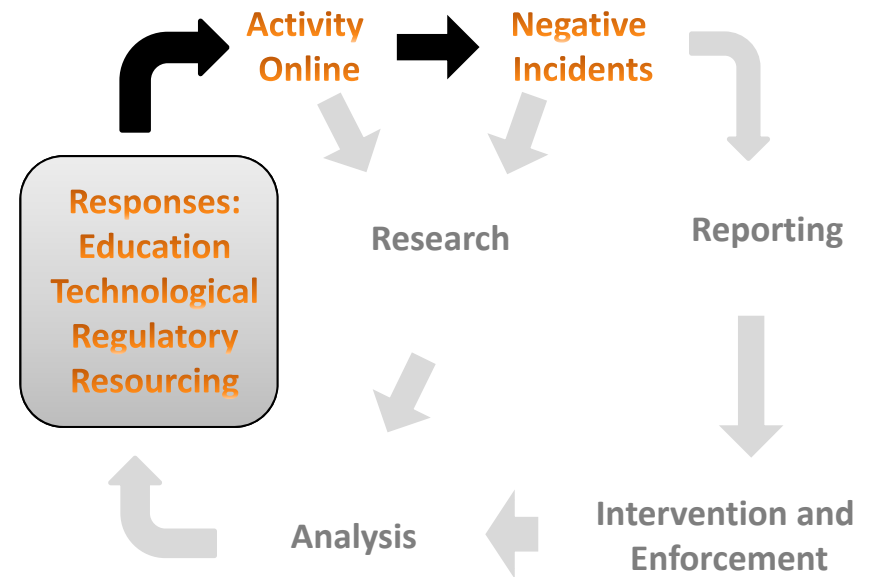


**Ma whero ma pango ka oti ai te mahi**  
*With red and black the work will be complete*



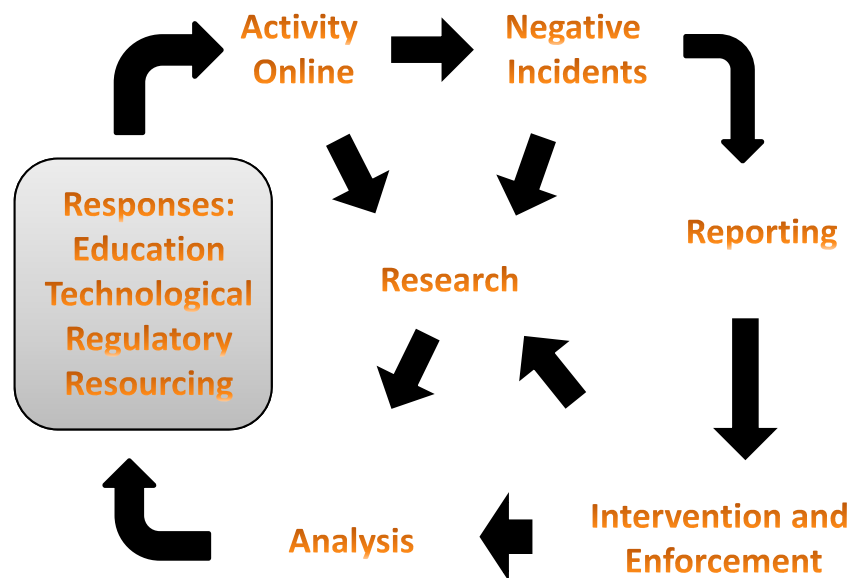
### Desired

(Responses based on constant analysis of experience and research)



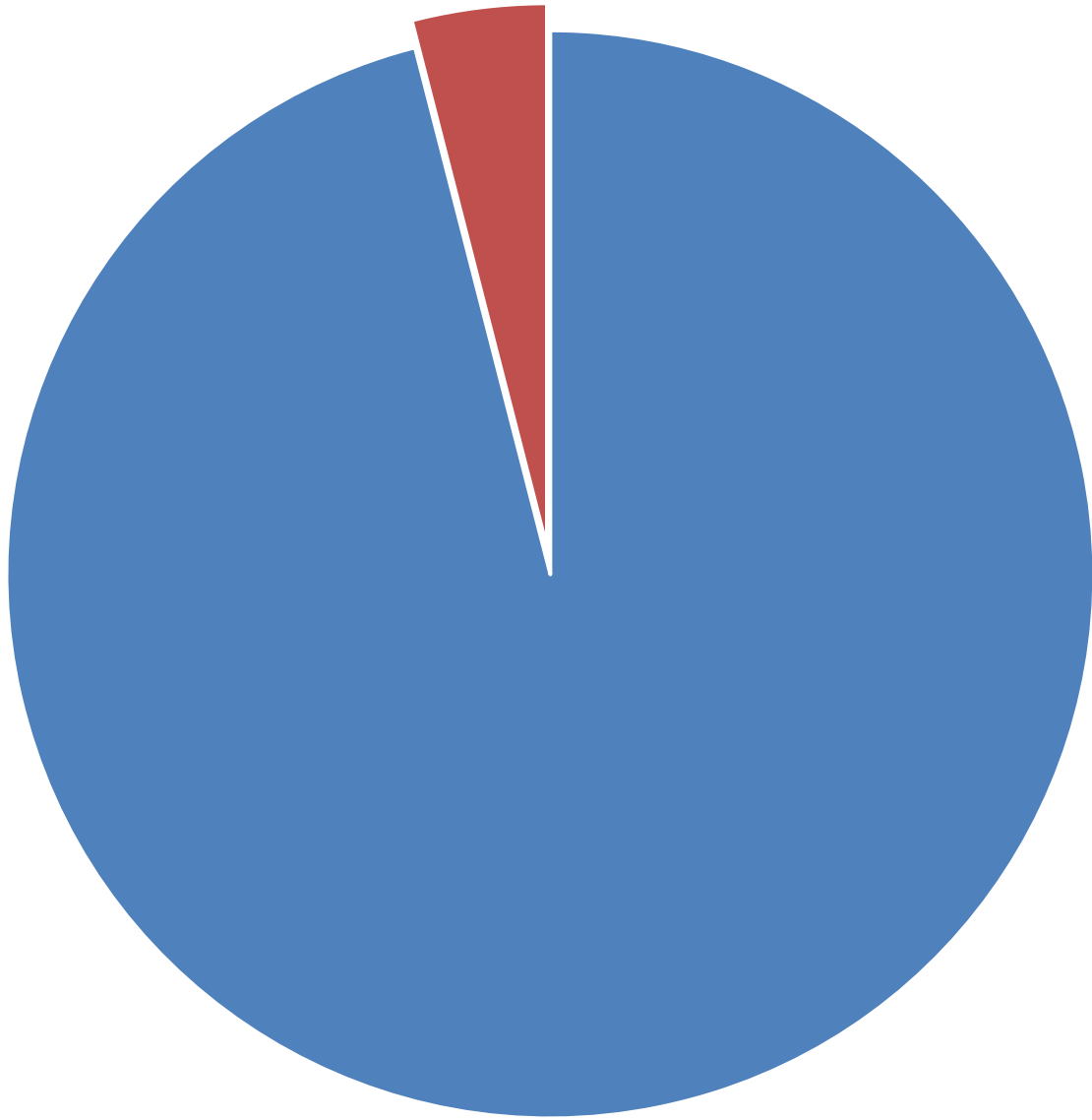
### Current

(Low levels of reporting and limited analysis)

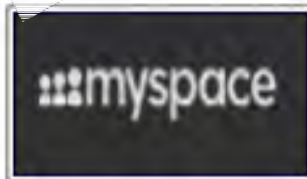


Enabling better reporting:

- It is marketable: TheORB.org.nz is a single marketable reporting point that covers seven agencies and a multitude of offences
- It leverages other activity: NetSafe media activity creates opportunities to promote the ORB.
- It is easy to report: People reporting don't need to know what law has been broken or what offence has been committed.
- It helps guide people to the right response: NetSafe can take and respond to non-enforcement complaints – finding the best level of response (ie: self action, industry, or enforcement)
- It moves the sector forward: NetSafe can develop coordination within the cyber crime fighting community around the practical requirements of the ORB







Sony Ericsson

10:17

No Number

18-07-2007 10:17

YOU LITTLE KISSASS!

More

shot

## Without feathers...

The *American Journal of Psychiatry* published a study this month that individuals who were bullied between the ages of 7 and 11 experienced feelings of poor general health between the ages of 20 and 50, and showed signs of impaired cognitive function in their 50's. The results of this study suggest that victims of childhood bullying could suffer from the negative effects throughout adulthood. The scars of which promote anxiety, depression, suicidal thoughts, and set-backs in physical health.

Often cyberbullying linked with immediate consequences – such as self harm or suicide- but bullying also has long term effects.

Ignoring bullying doesn't make social or economic sense





**He ihu kurī, he tangata haere**

*Like a dog follows his nose, man will find opportunity*





Rate of cyber bullying - Young: 1 in 5 & Adults: 1 in 10

**Ta te tamariki tana mahi wawahi tahā**  
*It is the job of the children to smash the calabash*





LAW · COMMISSION  
TE · AKA · MATUA · O · TE · TURE

Wellington, New Zealand | August 2012

Ministerial Briefing Paper

HARMFUL DIGITAL  
COMMUNICATIONS:  
The adequacy of the current  
sanctions and remedies





HDC – Not Cyberbullying  
Using opportunity of the digital age in  
the solution

Changes to:

- Harassment Act
- Privacy Act
- Human Rights Act

New Civil and criminal options for  
Offensive Content

- Crimes Act
- Harmful Digital Communication Bill

An HDC is...



Test 1: Aimed at an individual

(Otherwise Censorship Compliance Issue)

## **TEST 2: Breaches a Communications Principle**

### **Principle 1**

A digital communication should not disclose sensitive personal facts about an individual.

### **Principle 2**

A digital communication should not be threatening, intimidating, or menacing.

### **Principle 3**

A digital communication should not be grossly offensive to a reasonable person in the complainant's position.

### **Principle 4**

A digital communication should not be indecent or obscene.

### **Principle 5**

A digital communication should not be part of a pattern of conduct that constitutes harassment.

### **Principle 6**

A digital communication should not make a false allegation.

### **Principle 7**

A digital communication should not contain a matter that is published in breach of confidence.

### **Principle 8**

A digital communication should not incite or encourage anyone to send a message to a person with the intention of causing harm to that person.

### **Principle 9**

A digital communication should not incite or encourage another person to commit suicide.

### **Principle 10**

A digital communication should not denigrate a person by reason of his or her colour, race, ethnic or national origins, religion, gender, sexual orientation, or disability.

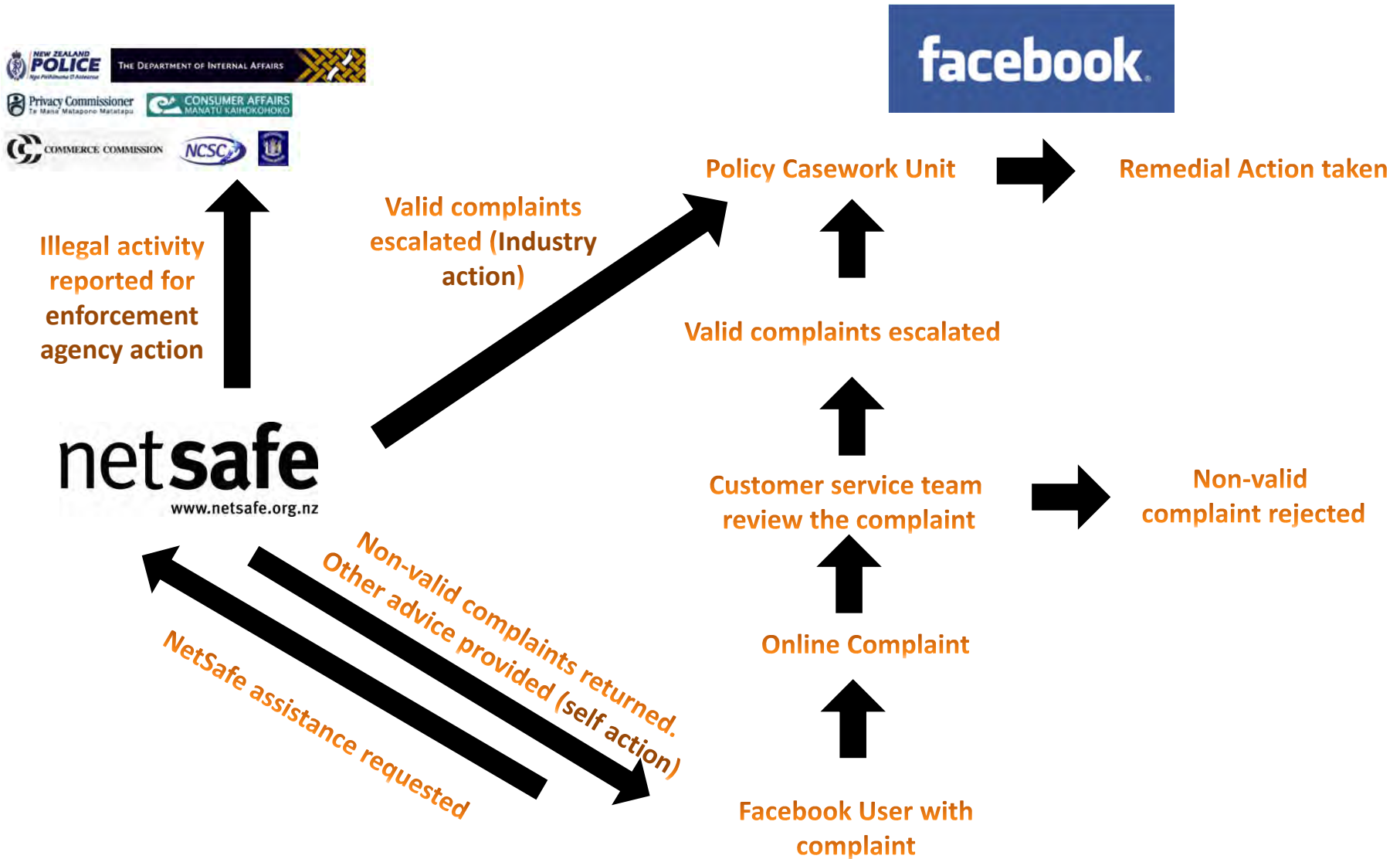


Test Three: ...has caused or is likely to cause harm to a person



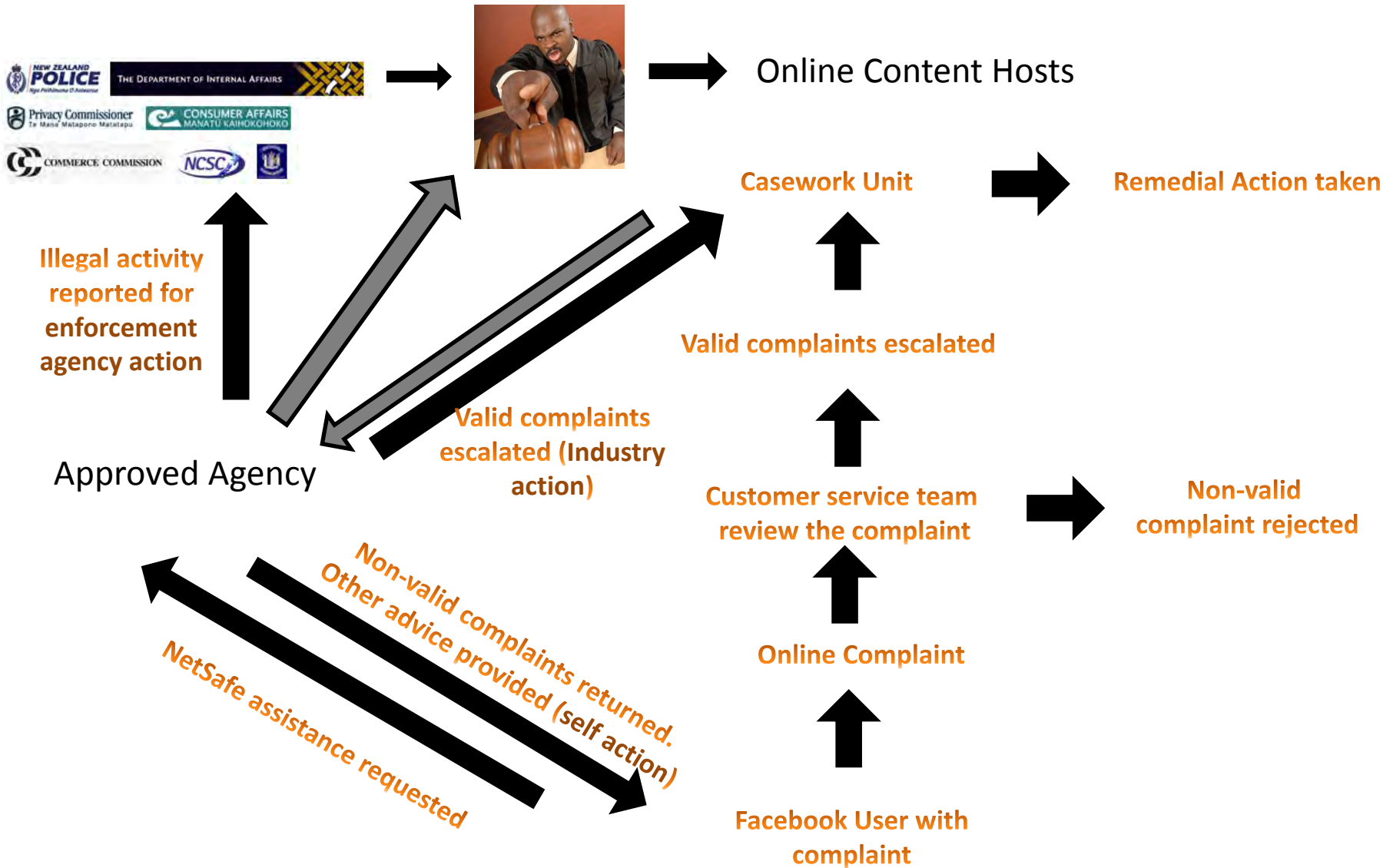
The Law Commission saw something they liked...

## Working with Industry to find the right response to individual Digital Challenges (Facebook Example)





## HDC Approved Agency builds on existing model





Opposition to the Harmful Digital Communications

Freedom of speech lobby

Internet Libertarians

General industry resistance to new regulation

People who thought it didn't go far enough



NetSafe

The End

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