



ΥΠΟΥΡΓΕΙΟ ΟΙΚΟΝΟΜΙΑΣ & ΟΙΚΟΝΟΜΙΚΩΝ  
ΥΠΟΥΡΓΕΙΟ ΕΣΩΤΕΡΙΚΩΝ, ΔΗΜΟΣΙΑΣ ΔΙΟΙΚΗΣΗΣ & ΑΠΟΚΕΝΤΡΩΣΗΣ  
ΕΠΙΧΕΙΡΗΣΙΑΚΟ ΠΡΟΓΡΑΜΜΑ  
"ΚΟΙΝΩΝΙΑ ΤΗΣ ΠΛΗΡΟΦΟΡΙΑΣ"



**ebusinessforum**

## **4<sup>th</sup> Working Round Working Group WG D2**

### **Practice and Ethics Code for the Internet Industry**

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## **Practice and Ethics Code for the Internet Industry**

### **1. Definitions & Interpretation**

For the purposes of the present Practice and Ethics Code, and unless if stated otherwise, the words or sentences beginning with an uppercase letter shall be defined as follows. All references to the male gender also include the female gender, and all references to the neuter include both the male and female genders. All references in singular also include references to the plural of nouns. Headers in this Code are used for purposes of reference and do not affect neither its structure nor its construal.

- 1.1 “Code” shall mean the terms and conditions of the present document, and shall be entitled “Practice and Ethics Code”.
- 1.2 “Illegal” shall mean any content in breach of legal rules.
- 1.3 Harmful: this term shall be used for the content defined in Decision No. 276/1999/EC of the European Council and the Council of Europe (25.01.1999).
- 1.4 Netiquette: The communities established over the Internet, in mailing lists or newsgroups, have established rules of conduct which are generally known as “netiquette”.
- 1.5 “ISP” shall mean Internet Service Provider.
- 1.6 “Spam” shall mean the self appearing material or self appearing information sent to an e-mail address or newsgroup.
- 1.7 “Anti-Spamming Software” shall mean the software used for screening spams before they arrive at e-mail addresses and/or newsgroups.
- 1.8 “Hacking” shall mean attacks and other forms of intrusion in the electronic systems of Members, and illegal attempts to overcome the safety measures of computers connected to the Internet, or to disrupt their suggested operation or use.
- 1.9 “SafeNet” shall mean the Greek Self-regulation Body for Internet content.
- 1.10 “Articles of Association” shall mean the Articles of Association of SAFENET.
- 1.11 “Board” shall mean the Board of Directors of SafeNet.
- 1.12 “Chairman” shall mean the Chairman of the SafeNet Board of Directors.
- 1.13 “Secretariat” shall mean the SafeNet Secretariat.
- 1.14 “Regular Member” shall mean members subscribed to SafeNet, called Regular Members. Regular Members are entitled to receive all SafeNet notices, be present at and vote during the SafeNet General Meetings, and to nominate candidates for the Board of Directors.
- 1.15 “Associated Member” shall mean members subscribed to SafeNet, called Associated Members. Associated Members are entitled to receive all SafeNet notices and be present at General Meetings, however, they do not have the right to vote during the SafeNet General Meetings.

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- 1.16 “Member” shall mean all SafeNet Regular or Associated Members.
- 1.17 [www.safeline.gr](http://www.safeline.gr) is the hotline service provided under the care of SAFENET.
- 1.18 “Regulatory Policies” shall mean the SAFENET regulations, complementary to the issues falling within the scope of the present Code that are binding upon Members.
- 1.19 “Claimant” shall mean any member of the public or Member filing a complaint with SafeNet.
- 1.20 “Complaint” shall mean any complaint filed by any Claimant relating to the content or the Services provided over the Internet.
- 1.21 “Complaint Hearing” shall mean a sitting of the Board held in order to investigate and make a decision relative to a Complaint.
- 1.22 “Complaint Decision” shall mean the decision taken by the Board following the Complaint Hearing.
- 1.23 “Complaint Committee” shall the people appointed by the Board to be part of the Complaint Committee. Their number shall be at least three (3) and at the most five (5), including the Chairman of the Complaint Committee.
- 1.24 “Chairman of the Complaint Committee” shall be one person appointed by the Board, and he may not be an employee of any Member.
- 1.25 “Complaint Committee Report” shall mean the report elaborated by the Complaint Committee described in detail in paragraph 9.8.d.
- 1.26 “Complaint Procedure” shall mean the Complaint Procedure as this is defined under Article 9 of the present Code.
- 1.27 “Receiving Member” shall mean any Member to which the Secretariat transmits a (written) Complaint.
- 1.28 “Customer” shall mean the user of any of the Members Services.
- 1.29 “Advertising Material” shall mean the material used in the promotion of the Members services.
- 1.30 “Services” shall mean the Internet services provided by each Member, including, but not limited to, the provision of Internet access, content, hosting and other on-line services.
- 1.31 “Terms and Conditions” shall mean the established terms and conditions of any Member governing the provision of Services to Customers.
- 1.32 “Privacy Policy” shall mean the Privacy Policy of each Member governing the use of Services by the Customer.
- 1.33 “Third Party Content” shall mean the content accessible by the Service of a Member, which originates from and/ or belongs to one or more third parties (including, for the purpose of clearance of doubts, the Member’s Customers.)

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1.34 “Workdays” shall mean workdays from Monday through Friday, exclusive of bank holidays.

All references to Articles of Association or legislation or any part of the present document shall also include all applicable amendments thereto, and all Statutory Instruments created, issued or provided through them or entering into force by virtue of them.

## 2. Policy Statement

2.1 **End User Reinforcement:** SafeNet encourages the coming into existence of reinforcement technologies providing customers and parents or tutors with options related to the content they receive (under the condition that such technologies are not privately owned and that the relevant cost is not borne directly by the access provider).

2.2 **Content Providers Responsibilities:** SafeNet considers content providers to be mainly responsible for the ensuring that the content is legal and not harmful.

2.3 **Responsibilities of Members:** SafeNet reminds that it is the role of the government to legislate and enact laws. SafeNet Members shall assume the legal obligation to remove illegal content when notified to that effect by government agencies or otherwise as required by law. However, it is not the Members’ responsibility to establish the legitimacy or harmfulness of content or to screen or limit in any other way reception of and access to content, unless such action is taken following an infringement of the provisions of the Code (or anticipated infringement)

2.3.a Compliance to the Code does not guarantee that a Member is acting within legal limits. The principles established or defined by means of this Code do not represent the responsibility legislative framework.

2.3.b The present Code does not aim at covering all infringements of competition or copyright legislation.

2.3.c SafeNet supports its Members in their independent decisions to actively limit accessibility to illegal content through their Services, but it stands for the correct position that any Member taking such action shall not bear greater legal liability, diligence or obligation than those Members not taking such action.

## 3. Scope of the Code

3.1 This code governs the behavior of SafeNet Members. This Code shall be implemented equally and apply to all Members, without amendments or exceptions. Hence no Member may evade the implementation of this Code, contractually or otherwise. All Members agree to comply with the Code in their capacity of SafeNet Members.

The Code may be amended from time to time with a 75% majority of SafeNet Regular Members, and each Member shall be notified about any decisions regarding amendments to the Code pursuant to the Articles of Association. Regardless of this process, the Code shall be reviewed once a year after its implementation, following meetings with Safenet.

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- 3.2 In order to avoid doubts, nothing in the Code legalizes the Third Party Content available over the Internet, by Members or other parties. Where a Complaint concerns the legitimacy or harmfulness of Third Party Content, the Secretariat shall primarily advise the interested Claimant to communicate directly with the content provider, where it is possible, and to then contact the respective ISP, and then to contact [www.safeline.gr](http://www.safeline.gr), as is provided for under Article 4 of the present document or lastly provides him with guidance regarding the settlement of the dispute. Should the ISP be a SafeNet Member, then such ISP shall follow the complaints procedure outlined in Paragraph 9.2.

#### **4. General Requirements**

SafeNet requires of its Members to comply with the general requirements of the present document. Infringement of the General Requirements constitutes infringement of the Code. In order to avoid doubts, the general requirements apply only to Services provided and contracted in the Hellenic Republic, or to hosting by or in the Hellenic Republic.

- 4.1 Members shall make reasonable efforts to ensure that the Services (except for Third Party Content) and the Advertising Material they use do not contain illegal or harmful elements misleading due to inaccuracy, doubts, exaggeration, omission or any other cause, and incite as an indication violence, heartlessness, racist hatred, or prejudice and discrimination of any manner.
- 4.2 In their transactions with consumers, other companies or amongst them, Members shall always act justly and reasonably.
- 4.3 Members shall make reasonable efforts to notify their Customers of the existence of the Code and the SAFENET Complaint Procedure, pursuant to the provisions of the Code.
- 4.4 Members shall exert reasonable efforts to notify each new Customer of their Terms and Conditions under which the services of the given Member are provided.
- 4.5 From time to time, SAFENET may suggest the adoption of Regulatory Policies ON issues related to the Internet. Such Suggested Regulatory Policies are adopted by a 75% majority of the Regular Members voting for their official adoption as Regulatory Policies. It shall be considered that members failing to comply with the Regulatory Policies are in breach of the Code.

#### **5. Practices**

- 5.1 Each Member is required to have a Privacy Policy and to require of their Customers to comply with it.
- 5.1.a Members shall include in their Privacy Policy those articles under which it is provided for that the Customer may not use the Member's Services to create,

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host or transmit illegal, defamatory, offensive, insulting, or indecent material or for activities deliberately causing unnecessary disturbance to others.

5.1.b Members shall include in their Privacy Policy articles related to the treatment of any Third Party Content, which, while not necessarily illegal, is, however, considered unsuitable and causing undue worry, disturbance or stress to others.

5.1.c Members shall include in their Privacy Policy an article providing for that Members may receive from time to time notifications from [www.safeline.gr](http://www.safeline.gr) requesting the removal of specific content from websites or newsgroups hosted by Members, and, if technically feasible, Members shall comply within reasonable time.

5.2 Members shall provide Customers with information about the availability of software tools to help them screen the content that Customers consider unsuitable.

5.3 Members shall follow the best practices of the industry related to the provision of “screening software” and “screening services” to Customers.

5.4 Members shall provide in [www.safeline.gr](http://www.safeline.gr) a contact with the Police through the use of an appropriate form. Such contact shall be available at least on Workdays.

5.5 Members shall include in their website the SafeNet sign, with a link to the SafeNet website.

5.6 Members shall include in their website the [www.safeline.gr](http://www.safeline.gr) sign, with a link to the [www.safeline.gr](http://www.safeline.gr) website.

## **6. Best Practices**

SafeNet recommends to its Members to comply, where reasonably possible, with the best practice guidelines, as these are set out hereinafter. In order to avoid doubts, failure to comply with the best practice guidelines does not constitute infringement of the Code, and SafeNet does not invoke the Complaint Procedure in such cases.

6.1 Members shall make reasonable efforts, where possible, to observe the instructions or the caching limitations about which they are informed by Customers the pages of which they host.

6.2 Members shall inform their Customers about the software tools they can use to protect their privacy.

6.3 Members shall follow the best industry practice using an Anti-Spamming software.

6.4 Members shall make all reasonable efforts to work together in the investigation of and protection against hacking.

## **7. [www.safeline.gr](http://www.safeline.gr) Service**

SafeNet collaborates with [www.safeline.gr](http://www.safeline.gr) in an effort to remove illegal content from websites and newsgroups in Greece. Hence its Members shall observe the [www.safeline.gr](http://www.safeline.gr) procedures.

7.1 Members shall be registered with [www.safeline.gr](http://www.safeline.gr).

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- 7.2 Members shall provide to www.safeline.gr a contact point for the reception of notifications by www.safeline.gr .
  - 7.3 It is possible, from time to time, for Members to receive notifications from www.safeline.gr asking the removal of a specific potentially illegal material from websites or newsgroups hosted by Members. Provided this is technically possible, Members shall comply with such notifications within a reasonable time period.
  - 7.4 If requested by www.safeline.gr and where it is technically possible, Members keep copies of the material removed (pursuant to the provisions of the 1988 Act on the Protection of Data), as required.
  - 7.5 www.safeline.gr is actively trying to reinforce end users, providing information about the way in which the latter can protect themselves or their children against content which end users probably consider harmful.
  - 7.6 Following a Complaint related to harmful Third Party Content, www.safeline.gr shall inform, where possible, the Claimant about the organization hosting such content, and shall forward the Complaint to the hosting company, in order for the latter to take action pursuant to its Privacy Policy. Should the host company be a SafeNet member, then such company may make recourse to the complaint procedure described in paragraph 9.2.

## **8. Advertising and Promotion**

- 8.1 Members shall make all reasonable efforts to ensure that the Advertising Material transmitted over the radio, television, teletext, telephone, fax, or any other form of communications complies with the provisions of the present Code and the Advertising Standards, Practice and Prohibitions Codes, Sponsorships and other forms of Transmission **and Commercial Promotion Services issued** in the most reasonable and appropriate manner with regard to the technology used.
- 8.2 Members shall make all reasonable efforts to ensure that they provide their services and carry out advertising activities in compliance with legislation on advertising, **the EETT Code of Ethics and provisions on the Protection of Data.**

## **9. Complaint Procedure**

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- 9.1 In the examination of Complaints, SAFENET, or its committees and members appointed by it, shall be held free by SafeNet of all responsibilities that might arise in the execution of their tasks pursuant to the Complaint Procedure.
  - 9.2 Where the Claimant has filed a Complaint with any Member, arguing that such Member has infringed the Code, then the given Members shall make all reasonable efforts to resolve the Complaint in the following way:
    - 9.2.a where the Complaint has been filed in person, it shall be resolved, where possible, in the presence of the Claimant, or within five (5) Workdays, should more information be required;
    - 9.2.b where the Complaint has been filed by telephone, it shall be resolved, where possible, during the initial telephone call, or within five (5) Workdays, should more information be required;
    - 9.2.c where the Complaint has been filed by e-mail, it shall be resolved, where possible, within five (5) Workdays by e-mail;
    - 9.2.d where the Complaint has been filed by letter, it shall be resolved, where possible, within ten (10) Workdays by mail.
  - 9.3 Where the Claimant has filed a Complaint with the Secretariat, the latter shall advise the former to contact directly the Member in question, if the Claimant has not taken such action.
  - 9.4 Where the Claimant has filed a Complaint with the Secretariat, and such Complaint is related to Third Party Content, then the Secretariat shall direct the Claimant to [www.safeline.gr](http://www.safeline.gr). Where the Complaint is related to the legitimacy of Third Party Content, the Secretariat shall initially advise the Claimant to contact directly the owner of the content, then to contact the respective ISP and lastly [www.safeline.gr](http://www.safeline.gr), as provided for under Article 7 of this document. Where the ISP is a SafeNet Member, then such ISP shall follow the complaints procedure outlined in Paragraph 9.2.
  - 9.5 SafeNet shall not accept anonymous complaints, but should it consider any anonymous complaint to be righteous given the circumstances, it may forward it to [www.safeline.gr](http://www.safeline.gr).
  - 9.6 At its absolute discretion, SafeNet shall not accept Complaints which it deems disturbing, inaccurate, or completely ungrounded, thoughtless, or irrelevant, and its decision on such matter shall be final.
  - 9.7 Where the Claimant has notified the Secretariat that his Complaint has not been satisfactorily resolved in accordance with the procedures and within the time limits set forth in paragraph 9.2 above, the Secretariat:
    - 9.7.a shall try to informally resolve the Complaint, over the phone, without administrative expenses for the Claimant, within five (5) Workdays;
    - 9.7.b if informal resolution of the Complaint over the telephone is not possible, the Secretariat shall inform the Claimant that he can request the settlement of his Complaint through the Complaint Procedure under paragraph 9.8 of this document.
  - 9.8 Where the Claimant requests that his Complaint be settled in accordance with the Complaint Procedure, the Secretariat shall commence such procedure as this is outlined in this document, within seven (7) Workdays from reception of a written request for Complaint settlement through the Complaint Procedure.



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- 9.8.a The Secretariat shall ask the Claimant to put their Complaint in writing, and to forward such written Complaint to the Secretariat, along with a refundable charge of € 5.00 covering the Complaint administrative expenses. It is at the Secretariat's absolute discretion to waive such €5.00 fee.
- 9.8.b Upon reception of the written complaint, the Secretariat shall forward it to the Member responsible for it, and request of it to reply back in writing within ten (10) Workdays from receipt of the Complaint. If the Member responsible fails to reply to the Secretariat in writing within ten (10) Workdays from reception of the Complaint, it shall be considered to be in breach of the Code, and the Complaint shall be referred to the Complaint Committee and the Secretariat shall notify the Member in question in this regard.
- 9.8.c In the event that the Complaint has not been satisfactorily settled within fourteen (14) Workdays from reception of the reply in writing from the Member in question, as required under paragraph 9.8.b above, the Secretariat may, at its absolute discretion, refer the Complaint to the Complaint Committee, which may carry a further investigation of the Complaint in the manner it deems the most appropriate and speediest.
- 9.8.d The Complaint Committee shall draft a "Complaint Report" indicating: (a) the Claimant's name and address; (b) the name and address of the Member or Members that the Complaint refers to; (c) the Claimant's original wording as this appear in his Complaint; (d) the way in which the Complaint Committee has investigated the Complaint, along with copies of all documents received by the Complaint Committee; (e) all information available to the Complaint Committee with regard to the Claimant, the Member(s) responsible, and the Complaint; (f) the Complaint Committee conclusions, as these result from the investigation of the Complaint conducted by such committee.
- 9.8.e Upon completion of the Complaint investigation and if the Complaint has not been satisfactorily resolved, the Complaint Committee may elaborate a "Complaint Report" to be examined at the next appropriate sitting of the Board. Each responsible Member or Claimant that is a Member of the Board, or each Member of the Board representing the responsible Member or the Claimant,

shall not be present during the part of the sitting when the Complaint shall be discussed and/or examined by the Board.

- 9.8.f Where the Board, after having examined the Complaint Committee Report, has decided that the responsible Member has infringed the Code, the Board shall immediately notify its decision to the responsible Member and the Claimant.
- 9.8.g Where the Board, after having examined the Complaint Committee Report, has decided that it is possible that the responsible Member has infringed the Code, then the Board shall convene a Complaint Hearing, summoning the responsible Member to appear and/or be represented, and, within twenty one (21) Workdays at the latest prior to the Complaint Hearing, the Board shall provide to the responsible Member a copy of the Complaint Committee Report.  
The Board is entitled, at its absolute discretion, to summon the Claimant to appear and/or be represented at the Complaint Hearing, and in such case, the Board shall notify the responsible Member in this regard at least ten (10) Workdays prior to the Complaint Hearing.
- 9.8.h Within twenty eight (28) from the completion of the Complaint Hearing, the Board shall issue a Complaint Decision in writing, and within seven (7) days from such issue the Secretariat shall provide the Claimant and the responsible Member with copies of the Complaint Decision.
- 9.9 The Claimant and the responsible Member shall accept that any decision regarding Complaints are the responsibility of the Board, and such Decisions of the Board shall be final and irrevocable.
- 9.10 The Board may, at its absolute discretion, refuse to examine and decide on a Complaint when the subject of such Complaint concerns legal procedures, or when the Complaint concerns the legitimacy of the material carried by any Service, or the Board may suspend such examination until any relevant or questioned issue has been resolved or until any investigation of any manner by the Courts of Justice.
- 9.11 Where at the Board the Complaint appears to fall within the scope of action of any specific regulatory body (e.g. [www.safeline.gr](http://www.safeline.gr) or EETT, or the Authority for the Protection of Data, or the Confidentiality Committee, etc.), the Secretariat or the Board may, following a ten (10) day notification, forward the Complaint to the competent regulatory authority and not examine it, or the Board may, where it estimates appropriate, meet with the respective regulatory authority, informing the Member ten (10) days in advance about the Board's intention to meet with the respective authority (ies).

## **10. Sanctions**

- 10.1 Where the Board decides, following a Complaint Hearing, that a certain Member has infringed the Code, the Board may, having taken into consideration all relevant conditions, impose one or more of the sanctions listed below:
- 10.1.a The Board may require of a Member to correct any infringement of the Code within reasonable time, as is agreed upon by the Board.
- 10.1.b The Board may require a written notification on the part of the Member, or any related person, regarding future conduct, under the terms set by the Board.
- 10.1.c The Board may suspend the Member from SafeNet, without full or partial refund of membership.

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- 10.1.d The Board may convene an Extraordinary General Meeting of SafeNet to examine an extraordinary decision regarding the expulsion of a SafeNet Member pursuant to Article 10 of the Articles of Association.
- 10.1.e The Board may, when a Member has been suspended or expelled pursuant to paragraphs 10.1.c, or 10.1.d above, publicize such fact.
- 10.2 For the avoidance of doubt, where the Secretariat or the Board refer a complaint to a third party pursuant to paragraph 9.10, and such third party imposes financial sanctions upon the Member, the Board shall not impose the financial sanctions laid out in paragraph 10.1.c above.

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