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## **Position Paper of the Italian Republic**

### **A Charter of Digital Fundamental Rights of the EU**

Concerning the draft of the European Digital Charter

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## **I. Digital Fundamental Rights**

The European Union and its member states have always valued fundamental and human rights. There are many existing laws and bills regarding the subject, such as the European Convention on Human Rights.

But since these have been introduced, the way we communicate and live has changed and still is in a state of constant transition. Digital media is of steadily increasing significance. This technological development is a big advantage for our society but also a challenge we should focus and work on.

Even though most of today's jobs and even our private life would not be manageable without digital media anymore, there are no regulated fundamental and human rights for the digital world. It's time for the member states of the European Union to discuss and find a mutual opinion on the matter.

## **II. The current situation in Italy**

Italy belongs to the low performing cluster of countries but is slowly starting to catch up.<sup>1</sup> It ranks 25th out of 28 EU Member States regarding connectivity, human capital, use of internet, integration of digital technology and digital public service.<sup>2</sup>

Only 53 % of Italian households subscribe to fixed broadband (as a comparison it's 72% in the EU), and 5.4% of those subscriptions are to a fast connection.

Additionally, the access cost for the cheapest broadband connection is around 0.5 % higher than in most of other EU member states,<sup>3</sup> which makes it harder for people with a lower income to participate in the digital world. According to a study about internet users 28% of the Italian population has never used the internet and only 24% of them have basic digital skills.<sup>4</sup>

Also jobs in the digital field are not very well occupied. Only 2.5% of the Italians are ICT specialists in the workforce and 14 out of 1000 people between the age of 20-29 graduate in Science, Technology and Mathematics.<sup>5</sup>

These examples were just made to show that Italy is not one of the best informed and organised countries regarding digital media, its benefits and challenges.

That may explain why the Italian government did not make a big effort to work on the digital fundamental rights so far. But as life with digital media becomes more and more essential in all fields of work and private life it affects all of us in Italy and the EU. That's why we should discuss and maintain a common organised European solution.

## **III. The draft of the Digital Charta**

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<sup>1</sup> Italy Country Profile, European Commission, 2016

<sup>2</sup> Europe's Digital Progress Report (EDPR), 2017 Country Profile Italy

<sup>3</sup> Broadband Internet Access Cost (BIAC), annual studies for the EC realised by Van Dijk

<sup>4</sup> Eurostat - Community survey on ICT usage in Households and by Individuals

<sup>5</sup> Eurostat - Labour force survey

The Italian government completely agrees with the preamble and the articles representing fundamental human rights such as article 1 to 3 regarding dignity, freedom and equality.<sup>6</sup>

2.

As it's written in Art. 4<sup>7</sup> the Italian government shares the view that mass surveillance should be used carefully. However, we ask for the right to get access to personal data if the suspicion of a risk for the population is reasonable.

3.

The Italian government does strongly support Article 8<sup>8</sup>. Artificial intelligence is, even though it may be a major technical advancement, an uncontrollable factor in any process. It should not be allowed to make any ethical decisions or any decision that can not be reversed. Furthermore the regulation on artificial intelligence should be even stricter regarding the development and programming of any such softwares that are capable of containing any part of artificial intelligence. The Italian government strongly believes that this should be added to the Article.

4.

The most important subject for the Italian government is data preservation. Being able to save data, including some sensible data, is of increasing relevance; especially in times of terror and seemingly increasing crime rates. Right now, Italy has one of the longest preservation periods in the European Union and the Italian government does not intend to modify its regulations. The possibility to preserve data should be added to Article 11.

## **IV. Conclusion**

As the Italian government is intent on safe fundamental rights and democratic structures also in the digital world with the power of law we strongly recognise the need for a charta of digital fundamental rights and support the regarding discussion. The charta has to contain fundamental human rights, but furthermore regulations of digital processes and the handling of data. Regarding this, the European Union has to find a way to combine the safe guarantee of protected rights for the user and the possibility for the EU member states to use the digital world to protect its population. The Charta of Digital Fundamental rights should not weaken, but give a clear structure and strengthen the digital community in the European Union.

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<sup>6</sup> BETA, Charta der digitalen Grundrechte der Europäischen Union

<sup>7</sup> Siehe Fußnote 3

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