

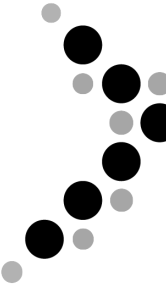
1 December 2020

Hon Kris Faafoi
Minister for Broadcasting and Media
Minister of Justice
Parliament Buildings
Wellington

CC **Hon Jan Tinetti** Minister of Internal Affairs

PO Box 11 881
Level 11, 80 Boulcott Street,
Wellington 6011,
New Zealand
Office: +64 4 555 0123
Email: office@internetnz.net.nz
www.internetnz.nz

internetnz



Re: InternetNZ briefing to incoming Minister of Broadcasting and Media

Dear Minister

Congratulations on your recent re-appointment to the portfolio of Minister for Broadcasting and Media and your appointment as Minister for Justice. Thank you too for your work in the other digital policy areas you had last term - we appreciated the chance to work with you.

In this letter we share our thoughts on the priorities for your current portfolios. We would very much appreciate the opportunity to meet with you to discuss these.

A little bit about us

InternetNZ is the home and guardian of the .nz domain name system, providing the infrastructure, security and support to keep it running. In addition to providing this critical infrastructure, we help New Zealanders harness the power of the Internet through community grants and research. We also work with government agencies to provide an Internet perspective on government policy and law reform.

We can support you as Minister by providing expertise on Internet issues, a civil society perspective and the ability to engage across the digital technology ecosystem.

A couple of important things

As the reappointed Minister of Broadcasting and Media, and the newly appointed Minister of Justice, we understand you will be establishing your priorities for the next three years. In this briefing we talk about a couple of areas where you can make a difference. These are:

- a) Ensuring the government's work to support a healthy information ecosystem through the media review is approached in an holistic, transparent and inclusive way.**
- b) Leading an approach by government which builds community confidence in choices about digital technologies in society.**

Supporting a healthy "information ecosystem" - the opportunity of the media review

Scoping the media review is an opportunity to think about the information ecosystem across the board. We advocate a broad, first principles approach.

When we met with you last year you welcomed our collaboration on scoping the review to modernise New Zealand's media content regime ("the media review"). We note that in addition to modernising relevant Acts, Cabinet decisions over time have identified an even broader

**Helping New Zealanders
harness the power
of the Internet.**

range of policy problems as being potentially in scope for this review, including regulation of content on social media and electoral advertising on social media.

There is a risk that any review will be constrained by the scope of existing legislation and departmental responsibilities, will be limited to consideration of the existing concepts of “media” and the traditional methods of regulating “content”, and will focus narrowly on sorting out inconsistencies in treatment of content across the broadcasting and classification regimes, with a view to incorporating content disseminated through online media.

We hope instead that government will take the opportunity to think about the desired outcomes for the broader information ecosystem as a whole, including the new harms that people and society are facing from various types of conduct and content online. A proper understanding of this wider context will help get to a scope that not only looks to identify and achieve the objectives of a modern media regime in a significantly changed context, but that also positions the media review as a key and effective part of any wider government approach to issues in the broader information ecosystem (such as misinformation).

We recommend a broad approach to considering the scope of the media review. A first principles consideration of what the key objectives of a contemporary media and broadcasting system should be will give government the best chance of achieving an effective, flexible and future proof regime.

A broad approach requires an inclusive process, with input from New Zealanders and other agencies and consideration of the international context.

An inclusive and outward looking process will ensure social license, technical effectiveness, cross agency support and international compatibility in setting the scope for the review, identifying its objectives and crafting an ultimate response.

It will be important to have a process that seeks input from a diverse range of voices and sources. The issues that are potentially within scope are issues that New Zealanders care deeply about, and that require understanding of our diverse society’s values and views. We think there is a conversation to be had with New Zealanders about what “media” is and what it should be, the problems (and benefits) they are experiencing online, and the values they wish to see reflected in a new regulatory system.

It will also be important to involve a range of government agencies while scoping the review. Regimes other than broadcasting are implicated in the contemporary information ecosystem, and those regimes may hold the levers to achieve key objectives. A goal of cultivating and improving media literacy and critical thinking skills in New Zealanders might implicate the education system and all the agencies involved in digital inclusion work. A goal involving algorithmic accountability might implicate agencies involved in privacy, data collection and competition issues. A goal of enabling fact-checking might require consideration of settings in copyright and privacy law and of open data regimes.

As mentioned above, the media review should play a key role in any cross government approach to any specific online harm, such as misinformation, or to online harms broadly. It will be important to be clear what role the media review can or should play in that response, and for agencies to line up so as to ensure they are developing responses that work together towards a common goal (for example, how the hate speech review would work in with the media review). This may be an issue that you can propose for coordination by the new digital ministers’ group. As Minister of Broadcasting and Media together with Justice, you are uniquely positioned to respond to harm online.

The borderless nature of the Internet means that some of the issues within the ambit of the media review may not be able to be solved domestically; we may need to work internationally to develop cohesive responses. New Zealand has an important role to play in setting the international standards and policies that govern and interface with the Internet, and a current international profile that would support leadership in this area. In developing an approach to the media review, or any particular “online harms” issue in which the review plays an important part, we should be thinking about how we might take New Zealand’s approach to the world. This may require an understanding of what other countries are doing, especially those with which we might partner, so as to factor that into scope.

We can help

The media review is an important piece of work and we want to support it. We can help you and officials understand how the Internet fits into the development of scope and options, and can support your officials with engagement. We have already shared preliminary thoughts with officials at the Ministry of Culture and Heritage and the Department of Internal Affairs.

Building community confidence in choices for a more digital world

The uptake of digital technologies across society, a process sped up by COVID-19, has created a range of new uncertainties for people. People are aware that there can be broad and sometimes surprising impacts from the use of digital ways to connect online or automate processes, particularly from newer technologies like facial recognition which deal with sensitive personal data and have no precedent in any society.

We think the government should take the lead on these challenges, by ensuring its approach to digital technologies is undertaken in ways designed to support community understanding of the issues and confidence in its choices about them. This could be done through a mix of proactive guidance on good practices, and open engagement to hear people’s perspectives and show how they are being considered.

There is an excellent starting point in the government’s Digital Service Design Standard, the Algorithm Charter from StatsNZ, and the model for testing social licence developed by the Data Futures Partnership and Massey University’s Toi Āria. These are bold and innovative attempts to build a human rights lens into digital government service delivery.

As Minister of Justice you are uniquely placed to support further work in this area, and promote technology adoption in a way that protects and empowers New Zealanders. InternetNZ would welcome the chance to talk about this, and could offer to help identify stakeholders and host some conversations that would contribute to the work of community engagement on digital technologies.

Next steps

Thank you for the time you have taken to read this letter. We look forward to meeting you to discuss these issues further.

Ngā mihi nui,



Jordan Carter
Chief Executive

Kim Connolly-Stone
Policy Director