


InternetNZ Issues Team Submission

Organisational Review Consultation - 2017

30 June 2017



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Internet NZ

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ISP Spotlight

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Expert paper #7

TPPA: INTELLECTUAL PROPERTY AND INFORMATION TECHNOLOGY

James Ting-Edwards, Melanie Johnson, Judge David Harvey, Debbie Monahan, Kate McHaffie and Jo Shaw.

Key Points: intellectual property; extension of copyright term; patent protections for medicines and biologics; individual liability for undoing "digital locks"; data flows versus data sovereignty.

February 2016

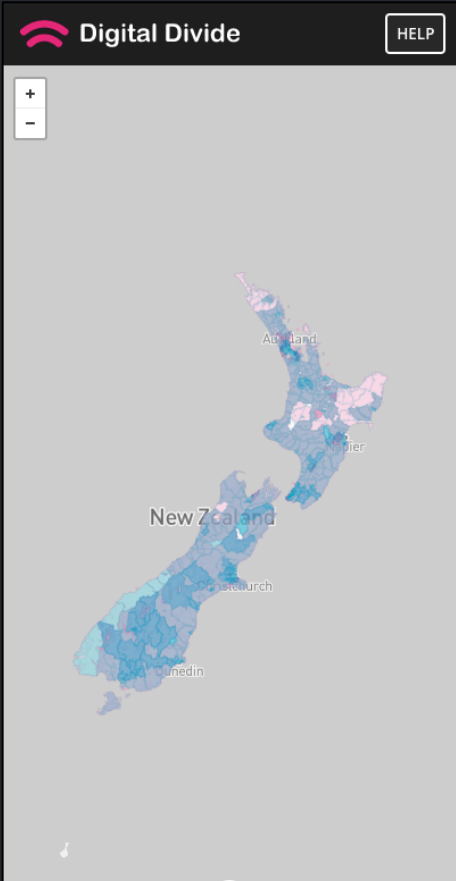
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InternetNZ

Funding support from the New Zealand Law Foundation.
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Digital Divide

HELP



Digital Inclusion LOW HIGH

Social Well-being LOW HIGH


Digital Inclusion

Social Well-being


InternetNZ Issues Projects

Encryption:
ways forward that protect the Internet's potential

An InternetNZ position paper



InternetNZ



Keeping your messages private

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1. Introduction

- 1.1 The Issues Team delivers projects and policy work to serve InternetNZ's vision and mission.
- 1.2 We welcome the chance to submit on this Organisation Review.

InternetNZ's vision is "A better world through a better Internet"

- 1.3 As the Internet affects more areas of life in New Zealand more deeply, the need for clear analysis of issues and options will continue. It is important that decisions are informed by a public interest, open Internet perspective.
- 1.4 The Issues Team works to help ordinary New Zealanders and decision-makers to better understand the Internet, and to make informed decisions about it. We support the social and economic benefits of the Internet in New Zealand, through projects that improve access, trust, and creative potential.
- 1.5 We hope to continue delivering successful projects, policy work, and research throughout and after this review process.

Our policy principles


- 1.6 Our work is guided by policy principles:

InternetNZ's Policy Principles

Internally, these principles guide the development of policy positions and statements. Externally, they explain the basis of our views to our stakeholders and to the general public.

Internetnz.nz

1. The Internet should be open and uncaptureable	5. Human rights should apply online
2. Internet markets should be competitive	6. The Internet should be accessible by and inclusive of everyone
3. Internet governance should be determined by open, multi-stakeholder processes	7. Technology changes quickly, so laws and policies should focus on activity
4. Laws and policies should work with the architecture of the Internet, not against it	8. The Internet is a nationally important infrastructure, so it should be protected



2. Summary of Submission

We “promote the Internet’s benefits and protect its potential”

- 2.1 The Issues Team are focused on delivering work to serve InternetNZ’s mission. We will continue to deliver that work through this process.
- 2.2 The motivation for this review is to better serve that mission. To that end, the Council has proposed to adopt Option One recommended by the Working Group, moving to a single organisation which combines the current functions of InternetNZ, DNCL, and NZRS.

We can continue delivering good work under the proposal

- 2.3 Having reflected on this proposal, the Issues Team are comfortable with its rationale and purpose. We are confident that our work, identified as the “Policy and Research” focus, will not change under this proposal. Council has signed off the Activity Plan for 2017/18, and the Issues Team will continue to deliver projects under that plan.
- 2.4 The need for informed analysis and explanations of Internet issues will continue, however our organisation is structured.
- 2.5 We see some benefits in the proposal. Our projects and policy work already draw on skills across the InternetNZ Group, and we would welcome the chance to extend this.
- 2.6 The main challenge we see is navigating the process of change while we continue to deliver projects under the Activity Plan for 2017/18. Current projects, under that agreed plan, are included below as examples of our work.

We support the recommended way of continuing our work

- 2.7 The Working Group recommended that InternetNZ’s existing policy and research function, provided by the Issues Team, form the basis of continuing policy and research functions.
- 2.8 We support that recommendation, as the best way to maintain capacity in this function, and thereby serve the mission of InternetNZ.

Key benefits of the proposal

- 2.9 The current InternetNZ Issues team welcomes the opportunity, under the proposed organisational change, to:
 - a) Continue producing work under an agile, evidence-based, and persuasive policy and research function;
 - b) Draw on the skills and diversity of InternetNZ Group colleagues in communications, research, data processing, and other areas which can support that function;
 - c) Continue our role supporting the Chief Executive, and Council, to achieve our shared mission of *promoting the Internet’s benefits and protecting its potential.*

Key risks and concerns

2.10 There are some challenges and risks from this review process. Below we identify options for managing some of these risks:

a) **Mapping current functions is vital for navigating this process:**

- (i) Without thorough mapping of current functions, value may be lost in the translation to a new structure.

b) **To minimise uncertainty and doubt, finish the review process quickly:**

- (i) Changing an organisation's structure can lead to doubt and uncertainty among staff and external stakeholders;
- (ii) We believe an extended process of review poses real risks to confidence, communication, and culture.

c) **It is important to protect the value of team cultures:**

- (i) A culture of trust and confidence is a key enabler for collaboration, that being the key benefit identified from the proposed option;
- (ii) Our project and policy work benefits from a safe and open culture, which allows creativity and collaboration within and across diverse teams.

The first step: mapping and maintaining functions

2.11 Based on the staff consultation document, and conversations with Council members involved in this process, we see the first phase of this review as “mapping” current functions. This “mapping” step ensures these functions can be “maintained” during and after the review process.

2.12 We want to help in drawing an accurate map of our function and work, to ensure that the value of this work is maintained through the review.

2.13 Below, we explain our work. We then consider how it fits into the organisation review process.

3. The InternetNZ Issues Team: What We Do

We support InternetNZ's mission now and in the future

- 3.1 InternetNZ's Issues Team plans and delivers projects to make the Internet better for New Zealanders. We do a broad range of work: writing submissions, commissioning engaging videos and online tools, hosting and presenting discussion forums at InternetNZ and elsewhere.
- 3.2 There is currently no other team within New Zealand who performs a similar function, at a similar level, with our track record of success.

Why does InternetNZ have this function?

- 3.3 In New Zealand and elsewhere, the open Internet faces threats from deliberate and unintended actions by Government and industry.
- 3.4 Absent those threats, there are still significant challenges in realising the full value of the Internet, and in sharing that value with all New Zealanders. We do the thinking to analyse these issues, share our understanding, and persuade decision makers to support the benefits of the Internet.
- 3.5 We also work to support informed choices about the Internet among the broader public.

How do we work?

- 3.6 In one word... collaboratively.
- 3.7 We are not a silo. We work collaboratively with InternetNZ's diverse Community, Communications, Operations, and Events teams.
- 3.8 We also work closely with teams across the InternetNZ Group to leverage a range of skills, most notably drawing on the data expertise of colleagues in NZRS to produce better tools and analysis. We value these interactions and actively seek to extend them across the way we work.
- 3.9 Below we set out examples of key relationships and collaborations which enable us to work effectively. We offer examples of current and past work, to help in understanding and mapping our role within the InternetNZ Group.

4. What relationships do we hold?

We work with and through key external relationships

- 4.1 Externally, we hold some key relationships with Government, industry, academia, and civil society. Our informed analysis is sought out by stakeholders. This has led to ongoing relationships that have opened doors for InternetNZ and the Internet Community on sensitive and important issues:
- a) Through face-to-face meetings with the Minister of Communications, we changed the Government's proposed framework for post-2020 regulation of telecommunications;
 - b) The Ministry of Foreign Affairs' TPP negotiators invited the Issues Team to host a tech community consultation event, before documents were officially published;
 - c) Our analysis and Select Committee work on the Harmful Digital Communications Bill resulted in a safe harbour provision to better balance harm protection with free expression;
 - d) Our positive and targeted engagement on the Intelligence and Security Bill with the Attorney-General, parliamentary parties and Select Committee directly created useful structural improvements to the Act that governs New Zealand's intelligence agencies.
 - e) The NZ Law Foundation sought our help in establishing their Information Law and Policy Project, and we now advise on funding applications;
 - f) The Law Commission sought Issues Team involvement in reviewing their recommendations on a review of Search and Surveillance powers.

We build collaborative projects with external partners

- 4.2 Our forthcoming and current projects, listed below, include work with:
- a) The Data Futures Partnership and 2020 Trust,
 - b) The NZ Initiative,
 - c) Creative Commons Aotearoa New Zealand,
 - d) The ICT Law Research Centre,
 - e) The Ministry of Consumer Affairs
- 4.3 We are in discussions with CERT NZ and the Office of Privacy Commissioner about potential collaborations.

We have improved our processes and work

- 4.4 As a professional policy team, the Issues Team has been able to improve the capacity, quality, and reach of InternetNZ's policy and research function.
- 4.5 Below we offer examples of the work we do now. We reflect on the past, present, and future of a policy and research function which serves InternetNZ's mission.

5. What do our projects look like?

Examples of current Issues Team work

Focus Area	Title	Project work
Access	Digital Divides Map	<p>We are building an interactive online map of Internet access in New Zealand, tracking infrastructure, socio-economic welfare, and Internet skills. This project is co-funded by the Data Futures Partnership as a catalyst project, and is produced in partnership with the 2020 Trust.</p> <p>For information and access to a live prototype map, contact ben@internetnz.net.nz</p>
	Multifactor Authentication	We will develop usable, engaging resources to help New Zealanders adopt 2-factor authentication, as a key step towards being safer online. We have approached MBIE and Consumer Affairs to assist in reaching as many people as possible.
Trust	Trust Framework	We are leading work and seeking collaborations to provide a robust, common understanding of online trust, and how it can be measured to help New Zealand's Internet Community understand, measure and boost trust in the Internet.
	Copyright Position Paper	We are writing a balanced, authoritative position-paper on how New Zealand should approach copyright for 2020 and beyond.
Creative Potential	Copyright Coalition	<p>Working with our strategic partner, Creative Commons Aotearoa NZ, we are building broader relationships with New Zealanders interested in copyright.</p> <p>We will find, hear and share the voices of educators, traditional media, local startups, libraries, musicians, writers, game developers, and anyone else who cares about using, making, and sharing content in a balanced, modern way.</p>

Examples of completed Issues Team work

Focus Area	Title	Project work
Access	Telco Review	<p>We wrote detailed submissions and attended meetings with MBIE and industry, to share our analysis and represent a technically-informed understanding of user and open Internet interests.</p> <p>Based on our arguments, Cabinet decided to exclude copper from the post-2020 regulated services, giving an early and clear signal that future investment should focus on fibre and other modern access modes.</p> <p>InternetNZ submission (Sep 2016) - https://goo.gl/AtTziP</p> <p>InternetNZ submission (Mar 2017) - https://goo.gl/tG9brb</p> <p>Cabinet decision - https://goo.gl/kmPR7B</p>
	Private Messaging	<p>We commissioned and wrote a short video explaining how New Zealanders can choose usable private messaging options:</p> <p>https://www.youtube.com/watch?v=45DSM6Syblw</p>
Trust	Encryption position paper	<p>We wrote an authoritative discussion starter and position paper, analysing encryption and the policy issues it raises for the next few years.</p> <p>“Encryption – what is it and why it’s important” https://goo.gl/f9cLiZ</p> <p>“Encryption – ways forward to protect the Internet’s potential” https://goo.gl/ZrnWmz</p>
	TPP	<p>We contributed to informed debate of the TPP, by providing an independent, evidence-based analysis of how adopting the TPP would affect New Zealand’s intellectual property and information technology laws, published by the New Zealand Law Foundation.</p> <p>We wrote and presented submissions at each stage of the TPP process, including detailed analysis of provisions on TPM “digital lock” rules.</p> <p>Law Foundation paper: TPP IP & IT https://goo.gl/UBqNLx</p> <p>Submission on the TPPA Amendment Bill https://goo.gl/Eu8zGJ</p>
Creative Potential	Online GST	<p>Our submission responded to Government proposals for GST on overseas intangibles -- apps, software and services such as NetFlix and Skype. Key risks: New Zealanders might be cut-off from niche overseas suppliers; might face criminal liability if using VPNs when shopping online.</p> <p>Result: Adoption of our recommendations of a \$60,000 threshold and an intention test for liability.</p>

InternetNZ policy and research, past, present, and future

Past	Present	Future
<p>There were policy wins, but work was largely ad-hoc and reactive.</p> <p>InternetNZ was not always perceived as a constructive voice.</p> <p>Stakeholder relationships were less developed and Wellington-focused</p>	<p>Building an Issues Team has enabled broader, more proactive project work.</p> <p>Our track record has opened doors, enabling us to advocate more effectively.</p> <p>External collaborations are enhancing our capacity and impact.</p> <p>Working across cities has helped build broader relationships</p>	<p>We will expand our collaborative work and use of data to improve analysis and understanding.</p> <p>New projects and engagement modes will help InternetNZ to reach new audiences.</p> <p>We will continue to protect and enhance the benefits of the Internet in NZ.</p>

6. What will this review mean for the Issues Team?

We expect some things to change...

- 6.1 As a team we are proud of our culture and ways of working. We recognise and welcome the opportunity to create a collaborative, and more diverse, culture and way of working across the new, larger team.

But we want the benefits without lots of stress and disruption

- 6.2 We believe that uncertainty and doubt, during the interim period before Phase two is implemented will be a significant toll on many of our colleagues.
- 6.3 We are confident that the Issues Team has the team culture and clarity on its work to deliver through this process. We want to remain positive and engaged with our work throughout.
- 6.4 We ask that Council, and the eventual Chief Executive, work to implement further structural changes in a way that balances:
- a) The need for understanding from the Chief Executive, taking in the full breadth of our organisation before making changes, and
 - b) The need for clear and quick steps to give staff clarity on outcomes.

Remember: Fear leads to doubt, doubt leads to suffering

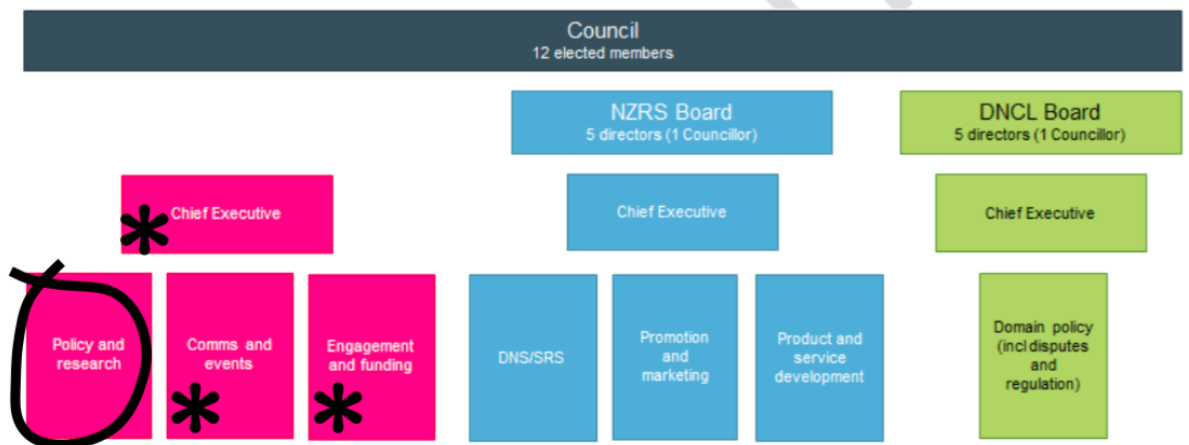
- 6.5 We want our colleagues across the InternetNZ Group to come through with minimal stress and doubt. A healthy, collaborative team environment will be good for all of us, and good for the work of the Issues Team.

7. Reflections on the review process and proposed option

- 7.1 We have explained our role in serving the shared mission of InternetNZ and the Council. Below, we look at the organisation review documents, and how they have mapped that role. In sharing our perspective, we do not mean to detract from any other lenses on the InternetNZ Group and the present review.

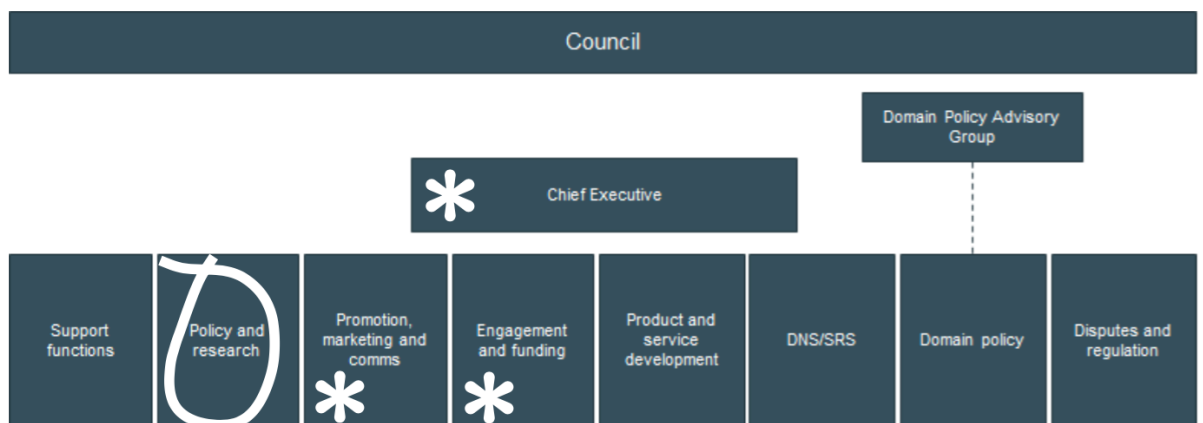
How has the Issues Team function been mapped?

- 7.2 The May 27 Working Group paper maps current functions as below:



- 7.3 The Issues Team's policy and research function is clearly highlighted within the current InternetNZ structure. We also work collaboratively with our colleagues across other functions, such as events and engagement, as indicated above by asterisks.
- 7.4 The staff consultation paper carries the current functions over to a new structure:

Figure 1: Proposed functional and governance arrangements



- 7.5 We anticipate a degree of cross-function work continuing. For example, we anticipate continued work to support the new Chief Executive in high-level Ministerial or industry meetings.

- 7.6 Based on the functions above, the staff consultation paper proposes interim roles:

Figure 2: Proposed interim organisational structure

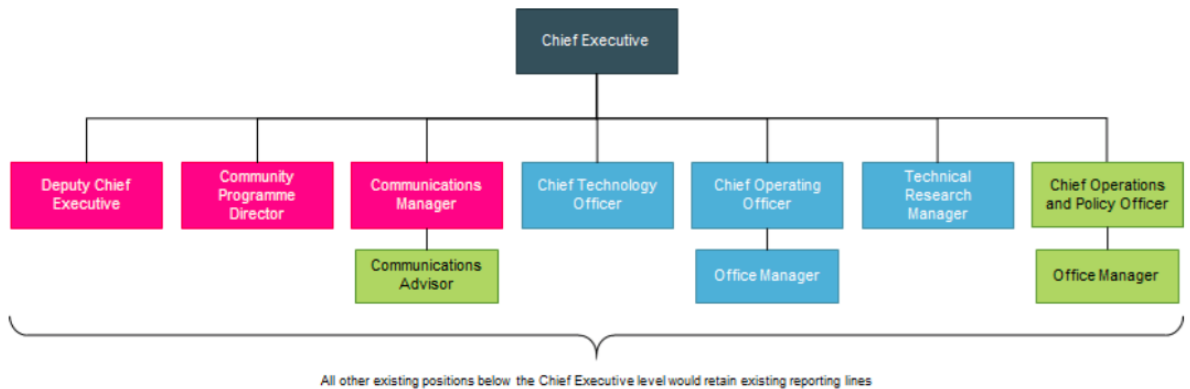


Figure 2 has no explicit “Issues” role at management level

- 7.7 Figure 2 does not include an executive role explicitly corresponding to the current Issues function. In our view, this reflects the current arrangement under which we report through the Deputy Chief Executive.
- 7.8 We understand that Figure 2 does not reflect the entire group’s functions or its full management structure. We anticipate that an eventual reporting structure would look more like Figure 1, with an explicit “policy and research” role, corresponding to the current Issues function, and reporting to the new Chief Executive.
- 7.9 We would be concerned if that function, with its key role in InternetNZ’s mission, did not have a direct reporting relationship with the new Chief Executive.
- 7.10 We are confident that our mission and our work to serve InternetNZ’s mission, by producing insightful, bold and engaging projects will continue under the proposed new structure.

8. Concluding statement

We appreciate the opportunity to comment

- 8.1 Thank you for taking the time to engage with staff on this proposal. We look forward to continuing our work to advance the objectives of our society.
- 8.2 We are happy for this submission to be published in its entirety.

With warm regards,

The Issues Team



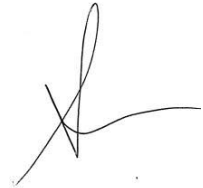
Ben Creet



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