

**CHARTER OF DIGITAL FUNDAMENTAL
RIGHTS OF THE EUROPEAN UNION**

PREAMBLE

WHEREAS

acknowledgement of the innate dignity and of the equal and inalienable rights of all persons is the basis for freedom, justice and peace in the world,

increasing digitalisation is changing the very way we live,

the digital age is causing enormous shifts in the balance of power between individuals, the state and corporations,

the digital age has prompted ongoing debate in civil society,

the digital age has brought with it new challenges and threats ~~but also opportunities to promote fundamental~~ democratic principles,

technical progress must always be in the service of humanity,

the shaping of the digital world must also be a European task, so that Europeans acting together can safeguard freedom, justice and solidarity ~~in the 21st century~~,

~~recognizing the need for special protection of children, adolescents and particularly vulnerable groups in the digital sphere;~~

ACKNOWLEDGING

the Universal Declaration of Human Rights,

the European Convention on Human Rights,

the Charter of Fundamental Rights of the European Union,

the fundamental rights and data protection standards of the European Union and its Member States;

DETERMINED

to continue to safeguard fundamental rights and democratic principles in the digital age, on the basis of the rule of law,

~~to guarantee effective worker protection in the digital age,~~

to secure an undertaking from state agencies and institutions and bodies of the European Union to observe fundamental rights in the digital world,

in this way to lay the foundations for a constitutional order in the digital age,

to treat digital technologies not as something to fear, but as a way of improving life in a global future,

to support each other with special regard to the structural differences within the Union;

**THE MEMBER STATES SIGNATORY HERETO AND THE EUROPEAN UNION
RECOGNISE THE FOLLOWING RIGHTS, FREEDOMS AND PRINCIPLES:**

Article 1 (Dignity)

- (1) The dignity of the individual is and remains inviolable. Safeguarding that dignity must be the aim and purpose of all technical developments and this principle shall circumscribe the use of such developments.
- (2) The rights under this Charter shall be enforceable vis-à-vis State agencies and institutions and bodies of the European Union.
- (3) ~~The rights under this Charter shall be enforceable vis-à-vis State agencies and private individuals.~~

Article 2 (Freedom)

Every person has the right to freedom of information and communication. ~~This right is a cornerstone of a free society. It incorporates the right not to know.~~

Article 3 (Equality)

- (1) **Every person** has the right to participate in the digital sphere on equal terms. The ban on discrimination laid down in the Charter of Fundamental Rights of the European Union shall apply.
- (2) The use of computerised procedures shall not serve to deny individuals access to goods and services or prevent them from taking part in the life of society. This shall apply, in particular, in the areas of health, protection against the basic threats to life, the right to work,

the right to housing, the right to freedom of movement and dealings with the judicial authorities and the police.

(3) **Net neutrality is to be guaranteed.**

Article 4 (Internal and external security)

- (1) In the digital age new threats are emerging to internal and external security. The exercise by the State of its responsibility to protect its citizens must be subject to strict constitutional constraints.
- (2) The law-enforcement authorities may not be granted access to private data. Exceptions shall be granted only on the basis of the law, in order to safeguard particularly important legal principles.
- (3) Arbitrary mass surveillance shall not be allowed.
- (4) Weapons systems may not be employed in a fully computerised manner.

Article 5 (Freedom of opinion and openness)

- (1) **Every person** has the right to express their views freely in the digital world. Censorship shall not be allowed.
- (2) Digital harassment, mobbing and activities likely to pose a serious threat to the reputation or physical integrity of a person shall be prevented.
- (3) Steps shall be taken to ensure that a pluralist, public forum for discussion is available.
- (4) State agencies **and operators of information and communication services** shall be required to enforce paragraphs 1, 2 and 3.

Article 6 (Profiling)

Profiling by State agencies **and institutions and bodies of the European Union** shall be permissible only where provided for under the law **or in agreements entered into by those concerned.**

Article 7 (Algorithms)

- (1) If a person is disadvantaged by a computerised procedure, employed by state agencies or institutions and bodies of the European Union, they shall have the right to seek disclosure of the nature of the procedure and a review and a decision by a person after the conclusion of the procedure. The criteria governing computerised decision-making shall be made public.
- (2) Anonymisation and transparency shall be guaranteed in particular in the context of the processing of mass data.
- (3) A natural or legal person must always be responsible for the actions of algorithmic-controlled devices and their consequences.
- (4) State supervision and crisis preparedness must be guaranteed in the case of infrastructure which is vital to the functioning of society.

~~Article 8 (Artificial intelligence)~~

- ~~(1) Decisions which have ethical implications or which set a precedent may only be taken by a person.~~
- ~~(2) The use and development of artificial intelligence in areas in which fundamental rights apply must be open to scrutiny by society and regulated by the legislator.~~
- ~~(3) A natural or legal person must always be responsible for the actions of self-learning machines and their consequences.~~
- ~~(4) State supervision and crisis preparedness must be guaranteed in the case of infrastructure which is vital to the functioning of society.~~

Article 8 (Transparency)

- (1) The information held by State agencies and institutions and bodies of the European Union must be accessible to the public and must be shared among European institutions and the Member States.
- (2) Accessibility and sharing shall be restricted wherever it is incompatible with the most intimate parts of private life of the private entity

Article 9 (Right to respect for the home)

Every person has the right to live freely and unobserved in their home.

Article 10 (Data protection and data sovereignty)

- (1) Every person has the right to protection of their data and to privacy.
- (2) Every person has the right to determine how their data are used. Personal data may be collected and processed only ~~in good faith and~~ for pre-determined purposes, ~~where this is necessary to achieve the objectives of the contractual relationship in question and~~ consent has been given in advance, or on the basis of the law. Consent must be given explicitly and in full knowledge of the facts. Contractual relationships must be fair and transparent.
- (3) ~~The upholding of these rights shall be monitored by an independent body.~~
- (4) ~~Providers of services or products may only collect and process data required to achieve the purpose for which the data in question is needed. The principles of privacy by design and privacy by default shall be upheld.~~

Article 11 (Informational self-determination)

- (1) ~~Every person has the right to informational self-determination.~~
- (2) The integrity and confidentiality of information systems shall be guaranteed.
- (3) Every person has the right to encryption of their data.

Article 12 (Data security)

- (4) ~~Every person~~ has the right to security of information systems and the data they process. The highest possible degree of protection shall be guaranteed.
- (5) Identity theft and identity forgery shall be combated.

Article 13 (Elections)

- (1) The right to take part in elections and votes shall not be contingent on access to digital media. ~~The election principles of a direct, equal, free, general and secret choice must be respected in electronic suffrages.~~
- (2) ~~Digital and computerised voting systems shall only be employed if their integrity can be ensured at all times.~~

Article 14 (Free access)

- (1) **Every person** has the right to free, equal and anonymous access to communication services without being required to waive fundamental rights. The internet shall be regarded as a basic service.
- (2) **Every person** has the right to take advantage of digital services on a non-personalised basis.
- (3) **Based on the principle of solidarity the Member States of the European Union shall collaborate to ensure similar digital infrastructure and to grant every citizen of the European Union equal access to internet.**

~~Article 16 (Net neutrality)~~

~~Net neutrality shall be guaranteed. This shall also apply to the services which provide access to the digital sphere.~~

Article 15 (Pluralism and competition)

Pluralism and cultural diversity shall be protected in the digital world. Open standards shall be fostered. Effective measures shall be taken to prevent market-abusive behaviour.

~~Article 18 (Right to be forgotten)~~

~~Everyone has the right to a digital new start. This right shall be circumscribed by the public interest in the availability of information.~~

~~Article 19 (Particularly vulnerable persons)~~

~~Children, adolescents and disadvantaged and particularly vulnerable persons shall enjoy special protection in the digital world. Their participation in the digital world shall be fostered.~~

Article 16 (Education)

- (1) Digital education shall be integrated into the national curricula.
- (2) Based on the principle of solidarity, the member states of the European Union shall collaborate to ensure digital education

Article 21 (Work)

- ~~(1) Work shall remain fundamental to a person's livelihood and self-realisation. (2) Effective worker protection shall be guaranteed in the digital age.
(3) Digital structural change shall be shaped in accordance with social principles.~~

Article 17 (Intangible goods)

Rights holders shall be entitled to a fair share of the proceeds of the digital use of their intangible goods. These rights must be reconciled with non-commercial user interests.

- ~~(2) For educational purposes, public institutions should be granted access to content aside from the right holder's profit.~~

Article 18 (Final provisions)

- (1) The Court of Justice of the European Union shall be the court of final instance as regards the interpretation of the rights laid down in this Charter.
- (2) The rights and principles laid down in this Charter shall be exercised and restrictions on such exercise shall be imposed in accordance with Article 52 of the Charter of Fundamental Rights of the European Union.
- (3) The rights and obligations laid down by this Charter shall apply to all undertakings operating on the territory of the European Union. No court outside the European Union shall have jurisdiction.
- ~~(4) The provisions of this charter are addressed to the institutions and bodies of the European Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers.~~