

To: The Ministers of the OECD Member Countries and the Other Countries Attending the Ottawa Ministerial Conference

We thank the Organisation for Economic Co-operation and Development (OECD) and the Government of Canada for the invitation to some public interest groups to participate in the OECD Ministerial Conference, "A Borderless World: Realising the Potential of Global Electronic Commerce," which is being held in Ottawa, Canada, on 7-9 October 1998 ("Ottawa Ministerial Conference").

This invitation recognises and affirms the role, place, and participation of public interest groups in the ongoing international discussions and negotiations with regard to electronic commerce.

With regard to the OECD, in particular, there should be established a Public Interest Advisory Committee, similar in type and function to the Business Industry Advisory Committee (BIAS) for industry and the Trade Union Advisory Committee (TUAC) for trade unions. Such a committee should include representatives of public interest groups in the fields of human rights and democracy, privacy and data protection, consumer protection, and access.

We regret that public interest groups were not afforded the opportunity by the OECD, prior to the commencement of the Ottawa Ministerial Conference, to submit a document similar to the Business Action Plan that was submitted by BIAC and others. As a result, the extent of our intervention has been severely constrained.

The promotion of electronic commerce by the OECD and member governments must be considered within the broader framework of protection of human rights, the promotion and strengthening of democratic institutions, and the provision of affordable access to advanced communication services.

With regard to the four issue areas for building trust for users and consumers, identified in the document for participants in the Ottawa Ministerial Conference, "A Borderless World: Realising the Potential of Global Electronic Commerce," and mindful of the broader framework discussed above, we recommend:

- **Authentication and certification:** We recommend that all OECD member countries implement and enforce the 1992 OECD Guidelines for the Security of Information Systems, particularly the Principles on Democracy, Ethics, and Proportionality. The OECD should also consider issues of authentication and certification within the context of consumer protection and privacy and protection. Policies and practices that disregard consumer and privacy concerns will ultimately undermine public interest.
- **Cryptography:** The OECD should promote implementation of the Cryptography Guidelines of 1997 and urge the removal of all controls on the use and export of encryption and other privacy enhancing techniques. Trust requires the widespread availability of the strongest means to protect privacy and security.
- **Protection of privacy:** The OECD should urge member states to implement fully and develop means to enforce the Privacy Guidelines of 1980. The OECD Guidelines provide an essential framework to establish consumer trust in on-line transactions. Self-regulation has failed to provide adequate assurance. We further recommend efforts to promote anonymity and minimise the collection of personal information so as to promote consumer confidence.

- **Consumer protection:** The OECD should support the establishment of minimum standards for consumer protection, including the simplification of contracts, means for cancellation, effective complaint mechanisms, limits on consumer liability, non-enforceability of unreasonable contract provisions, recourse at least to the laws and courts of their home country, and co-operation among government in support of legal redress. Such minimal standards should provide a functional equivalence to current safeguards, offering at least the same levels of protection that would be afforded in the off-line world.

We also recommend:

- **Intellectual property:** The framework for intellectual property protection should be based upon mechanisms that are least intrusive to personal privacy, and least restrictive for the development of new technologies.
- **Internet governance:** Governments should foster Internet governance structures that reflect democratic values and are transparent and publicly accountable to users. Standards processes should be open and should foster competition.
- **Taxation:** At the Ottawa Ministerial Conference, Mr. Charles Rossotti, Commissioner of the United States Internal Revenue Service, spoke of the creation of a Tax Advisory Group, in which government and business will participate. Similarly, the public interest groups should be invited to participate in this advisory group.
- **Employment:** Impacts on employment must be evaluated and taken fully into account in all discussions and negotiations.

The OECD Committee for Consumer Policy has been and continues to be an important vehicle for discussion of emerging consumer policy issues, including those relating to electronic commerce. It is important, therefore, that the mandate of the Committee for Consumer Policy continue and that the Committee continue to meet on regular basis.

Signed,