

Support Spanish freedom of information, press and speech

STOP1984 fiercely protests against the Spanish law for regulating the commerce in and with the internet (LSSI) which took effect since October 12th 2002. In his recent wording, this law has to be peer-reviewed and taken back.

Who is affected?

The LSSI affects any web-site which is mainly addressed to Spanish citizens.

This means in particular:

- sites hosted in Spain.
- sites which are hosted in other countries but owned by Spanish citizens.
- sites which are hosted in other countries of European Union (like Stop 1984) if they are included in LSSI art. 3.1.a to f)
- sites which are hosted in other countries outside European Union (art.4.)

What does the LSSI says in particular?

At first glance the LSSI controls and regulates only commerce in and with the internet.

But:

If you check the wording of the LSSI, any information is being treated as a merchandise. A simple advertising banner, a guestbook, your own cv or any information which **could** lead to a business contact is enough to let your own page be considered as "commercial site". With far-reaching consequences.

So the URL has to be registered in the "registro mercantil" -similar to a "trade register"- or whatever other register in which the services provider has the obligation to figure in. As a result, and depending on the type of register, the sites owner could have to pay a tax.

Name, phone number, address and the tax number have to be put on the website. If the website hosts data then logfiles have to be made and to be stored for up to 12 months. If requested those logfiles have to be shown to the Spanish security authorities.

Penalties if acting against the LSSI are ranging up to 600.000 Euro (for not having made or sored the logfiles for example). Penalties can be added up if several offences against the LSSI have been made.

This is a step towards internet censorship because:

Websites can be closed if there is suspect that

- they are against national security (amongst others)
- the respect and dignity of a person could be threatened

The so called "autoridad competente" states if there is reason for any of this suspect. But the "autoridad competente" is not clearly defined. Though sites can only be closed by judicial order, penalties can be set up beforehand. Access to sites which are hosted outside of Spain is planned to be blocked.

So where is the danger?

Censorship is being introduced - at the expense of freedom of information and speech. Only people having enough money for a good lawyer or "the big players" will be able to have an internet site. Variety regarding the information in the internet is merely restricted if not sooner or later abolished.

Where is the freedom of the press? Where is the freedom of speech? Where is the freedom of information?

Fundamental civil rights are not being considered. The idea of the Internet - the idea of exchanging information, ideas and opinions, far from uniformity - is being lead ad absurdum.

STOP1984 considers this Spanish law as an attack against our personal freedom of information and speech. Even though we are no Spanish citizens, we also could be even affected (as said above) so we declare our solidarity with any humanistic effort to make this law, the LSSI, being taken back.

We ask anybody to send this letter to the regarding Spanish authorities and to the European Parliament to get an item of written comment on this law and our concerns!

Please send your letter and your comment to:

Ministerio de Ciencia y Tecnología:

Paseo de la Castellana, 160.
28071-MADRID
Spain

Phone Numbers: +34 91-349-4976/4961/4999/4974
Fax Number: +34 91-457-8066
e-mail: info@mcyt.es

Impressum:

Stop1984

Die Initiative für mehr Privatsphäre, für Datenschutz
und informationelle Selbstbestimmung

Homepage: <http://www.stop1984.com>
E-Mail: Info@stop1984.com
V.i.S.d.P.: Bettina Jodda, Bonn