

Internet intermediaries in their role as providers of internet access – Mita Mitra

The business, societal and economic role of such actors is to provide connectivity to deliver communications which users choose to make. Delivery of communications and maintaining a network to do this efficiently is effected through managing traffic that the network carries.

Essentially, such intermediaries are not involved in choosing or controlling the content of communications and any degree of intervention and, or control of the contents of communications by such internet intermediaries is carefully circumscribed by a range of legal, regulatory and social norms.

This ensures and safeguards the achievement of objectives to ensure and protect freedom of communication and expression and privacy of legal and natural persons who use communication systems. It also provides the practical means to enable such intermediaries to discharge their core connectivity and traffic delivery role - because they are not responsible, in a legal or practical terms, for the content of the communications that users seek to convey through them.

Policy developments which encroach on this separation of treatment of traffic and content of communications by seeking to impose responsibilities on such intermediaries simply for providing connectivity and for carriage of content, have far-ranging and fundamental implications for societies and economies. Undermining the separation creates significant tensions at the least and may be irreconcilable with the current societal and legal framework.

It is essential that careful and objective advance scrutiny of the implications of any contemplated policy changes made in this area occurs to ensure that the consequences and distortions likely to flow from implementing them are well-recognised and understood “in the round”.