

ANNUAL

2022

REPORT



**DIGITAL
RIGHTS
WATCH**

Our vision is for a digital world where all humanity can thrive, and where diversity and creativity flourishes.

To ensure this, our digital world must be underpinned by equality, freedom and established human rights principles. Its evolution and future must be guided and driven by the interests of all people and the environments we live in.

Digital Rights Watch exists to defend and promote this vision – to ensure fairness, freedoms and fundamental rights for all people who engage in the digital world.

Our mission is to ensure that Australians are equipped, empowered and enabled to uphold their digital rights. We believe that digital rights are human rights which see their expression online.

Digital Rights Watch acknowledges the traditional owners of country throughout Australia and their continuing connection to land and community. We acknowledge the Aboriginal and Torres Strait Islander peoples as the true custodians of this land that was never ceded and pay our respects to their cultures, and to elders past and present.

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

Update from Chair

This year conversations about privacy gained a whole new momentum, and the prospect of meaningful reform feels not just possible but inevitable. Instead of being dismissed as a concern of tin-foil hat wearers, the lack of proper privacy protections in Australia became immediately obvious to the many thousands of Australians who had their personal information stolen or lost. There is clearly now a need to not just incentivise good cybersecurity but also disincentivise endless data collection and storage. The right to privacy in the twenty-first century is clearly not about hiding ourselves away, it's about being able to participate in online spaces without putting our sensitive information at risk. Many people are now questioning the value of the data driven economy and endless government surveillance; the time is right for advancing a rights-based approach to online life.

We are always grateful for the support of our members and funders - whether that's supporting our campaigns, sharing our content, giving us feedback or becoming a regular donor. The challenges facing human rights in online spaces are plentiful, but our strength as a movement and community is continuing to grow, providing a source of inspiration and hope for many.

Lizzie O'Shea | Chair - Digital Rights Watch

PRIVACY IS THE NEW BLACK

This was the year of the data breach, and the year that the goal of privacy reform gained significant momentum. The Optus hack, followed shortly by several other major data breaches, including Medibank Private, has been stressful, harmful and frustrating for the hundreds of thousands of people affected. These breaches have also demonstrated something that we at DRW have been saying for a long time: that the current privacy laws are no longer fit for purpose - the cost of such breaches can be effectively off loaded onto customers, meaning there are insufficient incentives for companies to take privacy and cyber security seriously.

It's clear that the current Federal government is ready to make changes. Already, 2022 saw the introduction of harsher penalties for interferences with privacy. DRW welcomed this step, but do not see this approach as a substitute for improved protection of privacy. We expect the review and reform of the Privacy Act to unfold over the course of 2023, and are well prepared to put forward a strong set of proposals to protect internet users and improve the quality of our online spaces. Bring on 2023!

HOW MIGHT WE BUILD A
GLOBAL INTERNET FOR LOCAL NEEDS
TO BALANCE THE POWER BETWEEN
CREATORS AND DIGITAL PLATFORMS

REBALANCE THE INTERNET ECONOMY

DRW concluded our project examining the power imbalance between digital platforms and creators. This project was inspired in part by the experience of the News Media Bargaining Code and looking for alternatives to data driven business models for content creators. We held consultations about what a genuine ability to bargain with platforms may look like between creators, community leaders, and independent artists. We aimed to provide a perspective on this policy problem from those who make the internet great: creatives, activists and community builders. Too often, they are left out of these discussions.

We had already held two online events in 2021: EXHIBIT centred on the experiences of sex workers, artists, and content creators, and IMAGINE delved into the relationship between writers, poets, bloggers, wordsmiths, publishers, editors, and digital platforms. In 2022, we hosted the remaining two events: GATHER, about movement building and political organising on digital platforms and CREATE, about the experiences of musicians.

We found that digital platforms have not done enough to support content creators and there were plenty of things that policy makers could do to change this. We published our findings and spoke to policy makers about them. Our report seeks to contribute to the public discussion about the way Internet public spaces are governed in Australia, from the perspective of the grassroots. We hope to continue our work in this space in coming years.



ONLINE SAFETY

In the wake of the passage of the Online Safety Act in 2021, industry and the eSafety Commission continue to progress various aspects of the policy agenda underpinned by this legislation. This includes consideration of industry codes of conduct, as well as stand alone ideas, such as age verification. DRW maintains a rights-based perspective on this issue, and has sought to contribute to these policy processes by representing users of the web, who risk being left out of these discussions. DRW strongly believes that the internet should be a safe space, particularly for the marginalised, and has worked to resist policy proposals such as automated content moderation and overly-broad approaches to taking down content which puts rights at risk.

STATE OF DIGITAL RIGHTS REPORT

As we have done for several years, we published an annual retrospective on the state of digital rights in Australia. Digital Rights Watch aims to create accessible materials and explainers to support nuanced and bold conversations about digital rights in Australia. Through having these conversations, we hope to encourage action with clear policy recommendations. We publish this report early in the year, and you can find the 2022 report here: 2022.digitalrightswatch.org.au

OUR TALENTED AND INTREPID STAFF

DRW went through some staffing changes this year, but as usual, the team produced far more than the sum of its parts.

GOODBYE LUCIE, HELLO JAMES



Lucie Krahulcova came on board in August 2020 to help steer DRW through our first big growth stage. Her time as executive director was characterised by industriousness and breadth. Her leadership saw DRW make more submissions than ever before on a range of different topics, under the treacherous conditions of multiple, ongoing lockdowns. Lucie stepped down from her role to return to her hometown of Prague, but remains a valuable member of our board.

James Clark took over as our Executive Director in early 2022. James has over a decade of experience working in non-profits, social movements and political campaigns. He previously led the global digital organising team at 350.org and has also worked at the Federal parliament. His background in climate change organising has proven highly useful, given the many parallels with digital rights issues.

SAM FLOREANI PROGRAM LEAD

Sam has been our longest serving team member, starting with the organisation in May 2020. For a self-confessed privacy nerd, 2022 has been a big year for Sam. She is known in the media for her sophisticated and engaging takes on various privacy issues, and has tackled everything from fingerprint access toilets to data glutton landlords. Sam has also continued to lead our work in the online safety space, as the various stages of the Online Safety Act are implemented.



WRITTEN BY THE DRW TEAM

- **Overland**, 'Online safety begins with participation,' by Lizzie and Sam, 16 February [<https://overland.org.au/2022/02/online-safety-begins-with-participation/>]
- **Overland**, 'The town square doesn't belong in private hands,' by James, 28 April [<https://overland.org.au/2022/04/the-town-square-doesnt-belong-in-private-hands/>]
- **The Age**, 'Court order to expose @PRguy17 threatens the right to be anonymous online,' by Sam, 8 June [<https://www.theage.com.au/national/court-order-to-expose-anonymous-tweeter-threatens-all-our-democratic-freedoms-and-safety-20220608-p5as3g.html>]
- **The Sydney Morning Herald**, 'You, me and Alexa: Smart home devices and sex in the digital age,' by Sam, 13 June [<https://www.smh.com.au/national/you-me-and-alexa-smart-home-devices-and-sex-in-the-digital-age-20220613-p5at89.html>]
- **Engage Media**, 'Policing the pandemic: Australia's technology response to COVID-19,' by Sam, 28 June [<https://engagimedia.org/2022/pandemic-control-australia/#comments>]
- **Crikey**, 'No matter who wins Hunted, Channel 10's new surveillance game, we all lose,' by Sam, 25 July [<https://www.crikey.com.au/2022/07/25/hunted-channel-10-surveillance-show-we-all-lose/>]
- **The Guardian**, 'A real estate agent data breach would be devastating for renters. They collect too much personal information,' by Sam, 4 October [<https://www.theguardian.com/commentisfree/2022/oct/04/telcosarent-alone-in-collecting-too-much-of-our-personal-information>]
- **The Guardian**, 'Does anyone really think Elon Musk cares about supporting creatives on Twitter?' by Sam, 4 November [<https://www.theguardian.com/commentisfree/2022/nov/04/elon-musk-twitter-content-creators-creatives-blue-tick-verified-account-subscription>]
- **Context News**, 'Australia's moves to protect data privacy fall short,' by Sam, 21 November, [<https://www.context.news/digital-rights/opinion/australias-moves-to-protect-data-privacy-fall-short>]
- **The Guardian**, 'As Twitter burns we must not forget it is people that create social movements, not apps,' by Sam, 22 November, [<https://www.theguardian.com/commentisfree/2022/nov/22/as-twitter-burns-we-must-not-forget-it-is-people-that-create-social-movements-not-apps>]

PRINT

- Comments about the policy of a Sydney school that used fingerprint scanners to provide access to toilets
[<https://www.theguardian.com/australia-news/2022/sep/06/sydney-schools-use-of-fingerprint-scanners-in-toilets-an-invasion-of-privacy-expert-says>]
- Raising concerns about the use of facial recognition technology in some Australian prisons
[<https://www.vice.com/en/article/wxngmx/facial-recognition-will-be-used-to-boost-profits-in-some-australian-prisons>]
- Discussing the proposed changes to cybersecurity laws in the wake of the Optus data breach (one example of many comments on privacy and data breaches this year)
[<https://www.theguardian.com/business/2022/sep/27/government-flags-new-cybersecurity-laws-and-increase-in-fines-after-optus-breach>]
- Providing comments on the risks posed by proposed age verification schemes to access certain content online
[<https://www.theguardian.com/technology/2022/oct/31/online-age-verification-system-could-create-honeypot-of-personal-data-and-pornography-viewing-habits-privacy-groups-warn>]

TV

- Commenting on Elon Musk's takeover of Twitter, on the ABC
[<https://www.abc.net.au/news/2022-04-26/elon-musks-acquisition-of-twitter-pretty-problematic/13854806>]
- Talking about the use of facial recognition in retail settings on 9 News and the ABC
- Discussing the fall out of the Optus data breach on The Project, the ABC, 9 News and SBS
- Raising concerns about the hacking of a real estate agency
[<https://9news.com.au/national/harcourts-melbourne-city-cyberattack-real-estate-agency-clients-personal-information-breached/144c2f87-8d12-471a-a223-1e4811d256e7>]

RADIO

- James featured on a program about what an ad-free internet might look like
[<https://www.abc.net.au/radionational/programs/lifematters/what-would-an-ad-free-internet-look-like-/101714062>]
- Sam talked about home devices and privacy in the bedroom
[<https://www.abc.net.au/canberra/programs/mornings/mornings/13923096>]
- We provided comment on all the big stories of the year, including facial recognition
[<https://www.abc.net.au/radionational/programs/lifematters/privacy,-your-face-and-the-rise-of-facial-recognition/13946990>], the Optus data breach and the many other major data breaches that have occurred since then

PODCAST

Lizzie continued to co-host a fortnightly podcast/webinar called Burning Platforms with Peter Lewis from the Centre for Responsible Technology and Dan Stinton from the Guardian. This podcast has been running for a few years now, and discusses current issues in technology and politics. All episodes are hosted on the Centre for Responsible Technology's YouTube channel with a lively and growing community participating in these discussions. [<https://www.youtube.com/watch?v=pHKysZdjjJA>]

POLICY SUBMISSIONS

Once again, it's been a busy year for submissions on various policy topics. We made the following submissions:

- **Inquiry into Social Media and Online Safety** (Jan)
[<https://digitalrightswatch.org.au/2022/01/13/submission-inquiry-into-social-media-and-online-safety/>]
- **Privacy Act Review – Discussion Paper** (Jan)
[<https://digitalrightswatch.org.au/2022/01/11/submission-privacy-act-review-discussion-paper/>]
- **Anti-Trolling Bill** (Jan)
[<https://digitalrightswatch.org.au/2022/01/21/submission-anti-trolling-bill/>]
- **Electronic Surveillance Reform Discussion Paper** (Feb)
[<https://digitalrightswatch.org.au/2022/02/25/submission-electronic-surveillance-reform-discussion-paper/>]
- **ACCC issues paper – competition and consumer concerns with social media** (Sep)
[<https://digitalrightswatch.org.au/2022/09/20/submission-accc-issues-paper-6/>]
- **Review of Model Defamation Provisions** (Sep)
[<https://digitalrightswatch.org.au/2022/09/20/submission-review-of-model-defamation-provisions/>]
- **Inquiry into the 2022 Federal Election** (Sep)
[<https://digitalrightswatch.org.au/2022/09/28/submission-inquiry-into-the-2022-federal-election/>]
- **Online Safety draft Industry Codes** (Oct)
[<https://digitalrightswatch.org.au/2022/10/11/submission-online-safety-draft-industry-codes/>]
- **Submission: residential tenancy reform in South Australia** (Nov) [<https://digitalrightswatch.org.au/2022/11/30/submission-residential-tenancy-reform-in-south-australia/>]
- **Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022** (Nov)
[<https://digitalrightswatch.org.au/2022/11/14/privacy-amendment-sub/>]

Our year in review

January

- A mega month of submissions, we provided comment in response to: the Inquiry into Social Media and Online Safety; the Privacy Act Review – Discussion Paper; and the Anti-Trolling Bill
- We published an explainer on privacy reform on our [blog](#).

February

- We were very sad to hear of the closure of the sex-work friendly social media page Switter, in part due to the passage of the Online Safety Act. We published a statement of solidarity [here](#)
- We made a submission about the Digital Surveillance Framework Discussion Paper

March

- DRW published our [State of Digital Rights Report for 2021](#)
- We held the third event in our series on Rebalancing the Internet Economy, GATHER, focusing on the experience of activists, organisers, community leaders and groups who use the internet to carry out their work. Watch the event [here](#)

- We conducted a survey of our supporters to find out what motivates them and what they think of our priorities, and published the results [here](#)
- We published [a blog about online safety](#) and what the narrative of the (then) conservative government got wrong in its framing

April

- DRW raised concerns about the proposed takeover of Twitter by Elon Musk, with James noting that [digital infrastructure should not be in the hands of a billionaire](#) with an agenda

May

- We held the last of our events about Rebalancing the Internet Economy, CREATE, which was about artists. It even happened in person, with a live performance!
- In the lead up to the Federal election, we blogged about [misinformation and the role of privacy in limiting the worst excesses of the data driven economy](#)

June

- We raised concerns about [highly oppressive bail conditions](#) imposed on protestors, including limiting their access to encrypted communication
- Lilly, Sam and James all featured in a wide range of media outlets talking about the use of facial recognition in retail settings, as uncovered by our friends at Choice
- We also defended the [right to be anonymous online](#), including in relation to a number of high-profile defamation proceedings

July

- DRW provided extensive comment about the use of facial recognition in retail settings, and the need for governments to stop the expansion of this technology
- Sam raised concerns about Channel 10's tv show 'Hunted' which [glamourised surveillance](#), and ignored the rights implications of this
- We formed a coalition with other civil society partners keen to pursue privacy reform in light of the change of Federal government

August

- We started discussions with the new Federal Labor government about privacy reform
- We spent significant time collating our findings and drafting our final report on rebalancing the Internet economy - our project that sought to provide policy recommendations in relation to internet platforms informed by the experience of creatives and content creators

September

- DRW had a significant media presence across the country in light of the Optus data breach, affecting tens of thousands of people. We blogged about the importance of privacy reform in the strategy to improve cybersecurity.
- DRW made submissions in response to: the Joint Standing Committee on Electoral Matters about an inquiry into the conduct of the 2022 Federal Election; the ACCC issues paper about competition and consumer concerns with social media; and the Review of Model Defamation Provisions conducted by the NSW government.

October

- The Federal government announced proposed reforms to the Privacy Act to increase penalties (in response to the Optus hack). We wrote about why this was a good start but that we should also not stop there
- DRW also made a submission about the Online Safety draft Industry Codes
- DRW had a campaigning win! Back in September, we had raised concerns about a high school in Sydney using fingerprint scanning to permit students to access the bathroom. A month later, the NSW Department of Education announced it would ask the school to halt the use of this technology

November

- We published our final report on Rebalancing the Internet Economy, which highlighted how the growing power of big tech platforms in the internet economy is hurting local industries and harming communities

- We made a submission about the Privacy Legislation Amendment (Enforcement and Other Measures) Bill 2022, which was about increasing fines imposed on companies for data breaches. We also appeared before the committee to speak to our submission
- DRW also made a submission to the SA government about their inquiry into residential tenancy reform, focusing on renters' right to privacy, digital security of renters' data, and the risk of discrimination or exclusion based on inappropriate use of personal information

December

- DRW published its retrospective for the year: the State of Digital Rights report. This is part of our long running series, and you can read it here

**We pride ourselves on
working in strong
alliances of collaboration,
both in Australia and
across the world.**

Digital Rights Watch is a member of:

- Alliance for a Safe and Secure Internet
- Australian Digital Inclusion Alliance
- Australian Progress Labs
- Biometric Surveillance Working Group
- Campaign to Stop Killer Robots
- CIVICUS World Alliance
- Global Encryption Coalition
- Save Aus Tech Campaign
- Save Dot Org Campaign
- WhyID Campaign
- #KeepItOn campaign

Access Now
Amnesty International Australia
Article 19
The Australia Institute
Australian Lawyers for Human Rights
Australian Privacy Foundation
Australian Progress
Blueprint for Free Speech
Castan Centre for Human Rights Law
City of Melbourne
The Centre for Responsible Technology
CHOICE
Deakin University Criminology
Digital Data & Society Consortium
European Digital Rights (EDRi)
Electronic Frontiers Australia
Electronic Frontiers Foundation
Fight for the Future
Future Wise
GetUp!
Global Partners Digital
Hack for Privacy
Human Rights Law Centre
Internet Society (ISOC)
The Juice Media
Liberty Victoria
Melbourne Activist Legal Network
National Justice Project
NSW Council for Civil Liberties
Open Media
Privacy International
Purpose
Queensland Council for Civil Liberties
Queensland University of Technology
Thoughtworks

**Digital Rights Watch
works with a range of
organisational partners
in the pursuit of strong
digital rights.**

SHOW US YOUR DIGITS

Supporters | 11,982

Formal members of the organisation | 130

Social media followers

Twitter 6835 (up from 6303), LinkedIn: 745 (up from 499), Instagram 1423 (up from 1127)

Donors

352 people made a financial contribution to DRW

Media Hits

88 opinion pieces, media articles or significant commentary

PUBLIC AND PHILANTHROPIC SUPPORT

We have put significant effort into the financial viability of Digital Rights Watch through the year—increasing our public donations and securing several philanthropic grants.

As a result, we were able to continue to employ staff this year. Our ambition is to continue to build the stability of the organisation to operate independently and expand our staff numbers.

A huge thank you to the Internet Society (ISOC) for their continued support of our Rebalancing the Internet Economy project! The work their grants are facilitating is incredible and we're very proud to be in their first cohort of grantees.

We'd also like to extend a big thank you to the wonderful team behind Fastmail, who are not only incredible digital rights supporters, but actively support us by running our email server and donating to support our policy work.

Balance Sheet

As at 30 June 2022

Account	30 Jun 2022
Assets	
Bank	
DRW Main Account	74,671.59
DRW Payments Account	9,897.25
Stripe AUD	2,431.44
Total Bank	87,000.28
Current Assets	
Accounts Receivable	5,000.00
Total Current Assets	5,000.00
Total Assets	92,000.28
Liabilities	
Current Liabilities	
Annual Leave Liability	5,327.61
PAYG Withholding s Payable	3,220.00
Superannuation Payable	1,323.86
Total Current Liabilities	9,871.47
Total Liabilities	9,871.47
Net Assets	82,128.81
Equity	
Current Year Earnings	(29,134.97)

Profit and Loss

For the year ended 30 June 2022

Account	2022
Trading Income	
Consulting income	1,670.00
Donations	168,767.17
Grants	5,000.00
Interest Income	120.39
Merch Sales	3.42
Other Revenue	510.00
Total Trading Income	176,070.98
Gross Profit	176,070.98
Operating Expenses	
Accounting	930.27
Advertising	171.25
Bank Fees	1,495.19
Contractors & personnel	4,174.58
Events	6,280.52
General Expenses	46.36
Insurance	6,502.80
Leave Entitlements	5,327.61
Office Expenses	140.00
Subscriptions	3,118.30
Superannuation	15,870.70
Telephone & Internet	294.89
Travel - National	384.21
Wages and Salaries	160,469.27
Total Operating Expenses	205,205.95
Net Profit	(29,134.97)

DRW THEMATIC AREAS REMAIN

Privacy and personal information
Surveillance and digital security
Connectivity and power
Government use of data & technology

We aim to achieve our mission by...

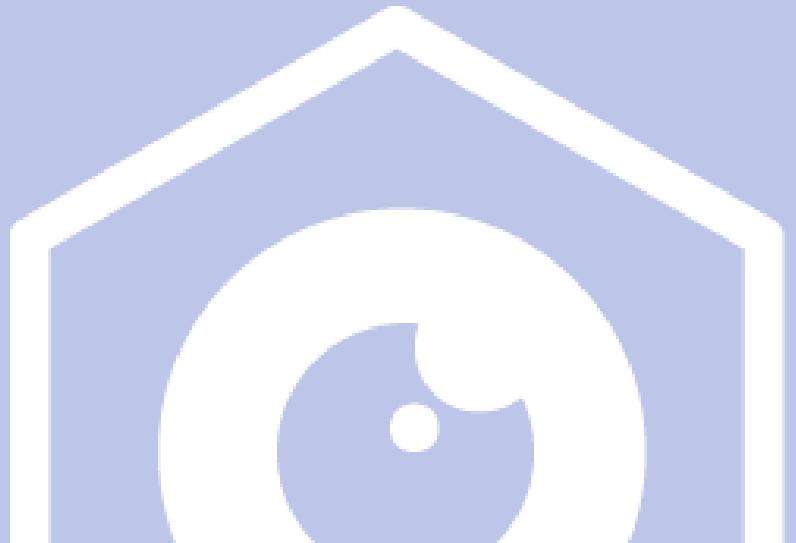
- Movement Building—Increase the level of support for digital rights across the public and civil society by enabling participation in projects and activities, and encouraging decentralised activities in collaboration with DRW.
- Advocacy and Awareness—Drive change through the media (press releases, commentary), events and planned advocacy projects.
- Policy Development and Influence—Improve organisation and government policies and laws through initiating new policy frameworks and contributing to discussions and submissions on policy and regulation formation.
- Public Education—Strengthen capacity of the broader public and specific sectors through workshops, toolkits and online courses.

Our current work involves:

- Contributing to consultations and policy submissions, including attending hearings and engaging in international cooperation on key issues.
- Creating communications and public awareness of digital rights topics, through media outreach and creating engaging social media content.
- Leading and collaborating on campaigns and projects.
- Organising events, both on our own and in partnership with others.

Our next frontiers to conquer are:

- Create more public education content: including more toolkits, how-to's, fact sheets, explainers and digital products.
- Create more resources for holding elected representatives to account, for example by building mobilisation tools to assist people in reaching out.
- Seek out opportunities for more localised engagement with government that can demonstrate best practice and also raise awareness at the grassroots.
- Continue on engaging our membership and focus on building movement.
- Build out academic collaborations for greater impact on digital rights!



PRIORITIES FOR 2023

There is no rest for digital rights advocates! In 2023 we will remain focused on mitigating government efforts to control and coerce our online space with a special eye on the Privacy Act review.

We know the following policy areas will be on the agenda in 2023:

- Privacy Act Review and reform
- Digital Identity legislation
- Regulation of facial recognition
- Roadmap to age verification for online pornography
- Rebalancing the digital economy

OUR BOARD

Lizzie O'Shea | Chair & Secretary

Tom Sulston | Deputy Chair

Lilly Ryan | Treasurer

Mark Andrejevic

SPECIAL THANKS*

*for participating in our events, projects, helping us think through policy challenges, and/or supporting digital rights over 2021

Kirsty Albion
Joshua Badge
Kimberley Benjamin
Justin Clacherty
Chris Cooper
Hugh de Kretser
Robin Doherty
Suelette Dreyfus
Alice Drury
Kieran Pender
Rebecca Giblin
April Hélène-Horton
Lyndsey Jackson
Patrick Lenton
Peter Lewis
Scott Ludlam
Giordano Nanni
Leanne O'Donnell
Roslyn Orlando Moir
Ed Santow
John Stanton
Dr Zahra Stardust
Kathryn Gledhill-Tucker
Jake Goldenfein
Eliza Sorensen
Lola Hunt
Gala Vanting
Dr Emily van der Nagel
Tahlia Davies
Kara Hinesley
Professor David Kaye
Dhakshayini Sooriyakumaran
Anna Johnston
Vanessa Teague
Justin Warren
Sam de Silva
Amy Denmeade

THE END



**DIGITAL
RIGHTS
WATCH**

CONTACT

You can reach out to us for more information

info@digitalrightswatch.org.au



DIGITAL RIGHTS WATCH