



Judgement

Europe v Dizgovzy
[2021] Del 1

1 Notes

Judgement given 14 March 2021. The Delegate acted sua sponte.

Dizgovzy banned for four months. Judgement is not final; appeal may be granted as described in paragraph [17] infra.

2 Opinion

The Delegate (Imperium Anglorum).

- [1] Section 8 of the Criminal Law Act 2018, as amended, states:

Any person which carries out or threatens to carry out an invasion of privacy or the unwanted release of personal information, is guilty of harassment. Such an offence shall be punished with a ban not to exceed four months.

- [2] ‘We are all people on the Internet, hiding (or, more generously, residing) behind pseudonyms. While it is relatively easy to find out the names of people on the Internet, as has been repeatedly shown over and over again, the mere presence of information existing publicly on the Internet is insufficient’. *E v Rivierenland* [2020] Del 2, [2].

- [3] The nature of the cases is different however. It is one thing to assert publicly that something can in fact be found. It is a very different thing to invade someone’s privacy by posting into a public chat that person’s name.

- [4] Personal information such as names is normally jealously guarded on the Internet:¹ it is the door to further personal information such as addresses and places of work. Merely knowing a name is not punishable.

¹ Of course, it is possible to find examples of people failing to guard their names or posting under their name directly. That is a choice which most people do not make.

- [5] For example, if someone were to release a Word document with metadata containing their name and if someone were to send that information by private message to the publisher telling them it is present, this would not be an offence. Implicit in the Criminal Law Act 2018 is a public release to general availability.

- [6] Nor is general release by itself punishable: if someone were to simply tell someone else they worked or lived for some company or in some town, this too would be okay. Release must be unwanted.

- [7] The specific incident herein is irregular, taking place on a non-regional platform with a extra-regional victim. Previously, it was ruled that because ‘The statute does not specify the locale of the offences, it should be interpreted to encompass any Europe-associated platform’. *E v Rivierenland* [2020] Del 2, [4].

- [8] Such an encompassing, however, does not exclude a further jurisdictional expansion. The main reason why Europe has historically been unwilling to punish extra-regional offences is because evidence of an alleged extra-regional offence can be unreliable.² It is, however, not so here; the information is brought by reliable sources and cross-verified among witnesses.

- [9] Out of respect for the victim’s desire for privacy, the description here is necessarily vague.

- [10] According to multiple witnesses, in a semi-public server, Dizgovzy acted in an unwanted fashion to release the name of a person. This

² This was most visibly the case when Imperial Reichson was mistakenly banned due to false evidence given by ‘The Canadian-American Federation’. See Nation-States Moderators, *Europe RMB* (10 Nov 2017) <https://www.nationstates.net/page=rmb/postid=28049501> et seq. See also Imperium Anglorum, *Europe RMB* (10 Nov 2017) <https://www.nationstates.net/page=rmb/postid=28050809> (explaining why screenshots – both of evidence and the lack thereof – can be faked).

information, according to second-hand accounts, was determined by cross-referencing an in-game user name to a social media user name. The statement of the name itself was deleted by the administrator of the server in which it was released, but multiple witnesses affirm the content thereof.

[11] The action described here is also understood to be reflected in an admission against interest on Europe's RMB. Dizgovzy, *Europe RMB* (14 Mar 2021) https://www.nationstates.net/page=display_region_rmb/region=europe?postid=43168695#p43168695.

[12] 'The maximum sentence provided by statute is four months. Insofar as that is the maximum, I am forced to imagine that those most serious cases would constitute such a ban.' *E v Rivierenland* [2020] Del 2, [12]. While we can imagine ever more serious actions – eg identity theft – a 'most serious case' is something understood properly to reflect the range of possible actions of a normal player, rather than of a professional criminal.

[13] In previous judgements, I have not taken a permissive approach towards releases of information, even penalising releases of information that allow someone to determine without much effort someone's name. A direct release is accordingly a more serious matter.

[14] A direct name, along with a social media account, is sufficient to determine very much about a person: location, place of work or schooling, friends, etc. It is also sufficient to subject a person to harassment both in real life and online. It therefore should be subject to considerable protection and punished accordingly.

[15] There also is a clear wilful aspect to release of this information. For a name to have been determined by cross-reference, one must first search for this information. It is not as if a name was handed on a platter as if provided in the authorship of a blog post.³

[16] With that in mind, I give a sentence of the maximal amount permitted by the Criminal Law Act 2018: four months. A further sentence would be justified only by repeated action which is not amenable to change – no evidence of which has been provided – or by a decision of the people to that effect.

[17] This decision may be appealed against to the European Parliament by motion of privilege,⁴ the European Council,⁵ or the Founder.⁶ This judgement is submitted in full as the sentencing justification as required under Criminal Law Act 2018 s 2(a).

³ Consider eg a person blogging under their real name, linking to a blog post containing that real name, and then bringing action for release of their real name therefrom.

⁴ Commission Act 2017 s 7(a)(vi).

⁵ Criminal Law Act 2018 s 2(b).

⁶ Government Act 2017 s 7(b).