



Haalbaarheid van een anoniem misdaadmeldpunt via het Internet

Een quickscan

Summary

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Since 2002 the independent foundation Stichting M. operates the hotline "Meld Misdaad Anoniem" (Report Crime Anonymously), where people can report criminal offences anonymously by phone.

This report answers the question whether it is technically, legally and organisationally possible to guarantee the anonymity of informants when the Internet is used to file reports instead. In addition, we investigated the possible advantages and disadvantages of reporting via the Internet for the quantity and quality of the reports. Also, we have looked at the role such reporting plays in criminal proceedings, and in society at large, from a normative perspective.

The results of this study are based on a literature review, an interview with Stichting M. and an expert workshop.

When exploring the normative aspects of an anonymous Internet hotline we studied whether the establishment of an anonymous hotline is proportional, we looked at the risk of function creep, and analysed the effect of a public private partnership in such a hotline.

To determine the technical feasibility, we analysed the general risks associated with an Internet hotline. Subsequently, six possible technical designs of an Internet hotline were tested against a number of criteria relating to anonymity, quality and user-friendliness.

The legal analysis focused on the processing of personal data by the hotline, the role of anonymous reports in criminal law, and the legal possibilities for investigators to retrieve the identity of the anonymous informants. We also looked at liability issues for the hotline, and the quantity and quality of anonymous reports from a legal perspective.

Finally, we looked at the organizational aspects that affect the anonymity and quality of an Internet hotline. Attention was paid to (technical) management, the need for regular audits, the integrity of personnel, the work environment, and the implementation strategy.

Our main conclusions regarding the feasibility of an anonymous Internet hotline and the expected advantages and disadvantages are summarized briefly below.

We conclude that technically speaking a sufficiently secure design of an anonymous Internet hotline is not easy. Anonymity of an informant is harder to ensure compared to a telephone hotline. Interactivity of the hotline (i.e. the opportunity to directly engage in dialogue with the informant) is essential to ensure quality (and anonymity) of the report. For that reason, a smartphone app or a web-based chat application meet the requirements best, although these do still have technical limitations. Due to the high complexity we expect that the cost of setting up such an Internet hot-

line will be high. Further study of a more detailed design of such smartphone app or web-based chat application, and the associated risks, is necessary.

From a legal perspective the difference between an Internet and a telephone hotline is less significant. As long as the instruction "Meld Misdaad Anoniem" of the Board of Attorneys-General is also made applicable to an Internet hotline, data retention regulation and Internet taps pose a limited risk. An easily accessible Internet hotline can lead to undesirable side effects however, such as claims for incurred damages and tort actions. The value of anonymous reports in criminal cases may decrease as a result.

In organizational terms, the increased technical complexity of an Internet hotline also poses a challenge. Staff must be properly trained, and more stringent demands will be imposed on technical support. Regular audits are essential for a continuous protection of anonymity. As said before we do not expect any decline in the quality of the reports when using an Internet hotline. However, it is hard to estimate the expected number of reports that will be received through an Internet hotline. The introduction of an Internet hotline would therefore have to proceed in stages, starting with a pilot. To determine the value of an Internet hotline compared to the existing telephone hotline, it appears to be wise to perform a well founded baseline study on the quality of the telephone hotline first.

As for the reporting of crime using anonymous hotlines, there appears to be a real risk of function creep, both with regard to the type of criminal activity that is reported as for the storage of information from anonymous reports beyond criminal investigations in police files. A broad reflection on this development is desired, which should lead to the establishment of a proportionality test for anonymous hotlines. In a climate where police databases are used in a rather non-transparent manner for purposes other than criminal investigations, it is important to show restraint when feeding police databases with uncontrolled information. This calls for restraint in facilitating anonymous reporting.