**freedom of expression and the telecommunications and internet access sector**

***QUESTIONNAIRE FOR STATES***

**August 2016**

**Submission to study on freedom of expression and the telecommunications and Internet access sector by Estonia**

The UN Special Rapporteur on the protection of the right to freedom of opinion and expression is conducting a study on freedom of expression in the telecommunications and Internet access sector. He will examine State regulation and action that affect access to telecommunications and Internet networks and services, particularly those provided by Telecommunications and Internet Service Providers (“Telcos and ISPs”). He will also analyze the relevant internal policies and practices of Telcos, ISPs and associated businesses.

His findings and recommendations will be published in the June 2017 report to the Human Rights Council. For more information on the Special Rapporteur’s study, please see the concept note attached.

ESTONIA

The Special Rapporteur calls on States to share information concerning:

1. Laws, regulations and other measures (including, where applicable, contractual arrangements and extralegal measures) that may permit authorities to require Telecommunications and Internet Service Providers to:
   1. suspend or restrict access to websites or Internet and telecommunications networks; and

Answer:

* Gambling Act - ISP should block access to online casinos which do not pay gambling taxes to Estonia
* State Defence Act – in wartime
  1. provide or facilitate access to customer data;
* Electronic Communications Act – for court, security organs and finance inspectorate.

1. Laws, regulations and other measures (including, where applicable, contractual arrangements and extralegal measures) governing/regulating the activities of private entities that provide network components or related technical support, such as network equipment providers, submarine cable providers, and Internet exchange points;

Answer: no special regulation.

1. Laws, regulations and other measures (including, where applicable, contractual arrangements and extralegal measures) on public disclosure of requests made or actions taken to a) suspend or restrict access to websites or Internet and telecommunications networks; and b) to provide or facilitate access to customer data;

Answer: no special regulation.

1. Remedies available in the event of undue restrictions on Internet and telecommunications access or undue access to customer data; and

Answer: In the event of undue restrictions on internet access National Regulatory Authority may impose penalty to ISP (net neutrality principle). When providing undue access to personal data a person is responsible according Data Protection Act or Penal Code.

1. Other relevant laws, policies or initiatives to promote or enhance Internet accessibility and connectivity, including measures to promote network neutrality.

Answer: Network neutrality regulation is based on EU regulation 2015/2120. Promotion and development of connectivity is mainly based on national “Information Society development plan”

Submissions will be posted on the OHCHR website at the time of the report’s publication. Please send submissions no later than 1 November 2016 to freedex@ohchr.org using the email title: “Submission to study on freedom of expression and the telecommunications and Internet access sector.”