

Rules of Procedure



§ 1 Right to complain

Every user of the Internet can report content found online that is potentially illegal, in Internet particular content that is relevant for youth (media) protection (see [§ 3 \(2\)](#) of the Rules of Procedure).

§ 2 Submitting a complaint

(1) Possibilities to submit a complaint

Complaints can be submitted as follows:

- Through electronic complaints forms under
 - <https://beschwerdestelle.eco.de>
 - <http://www.internet-beschwerdestelle.de>
 - <http://www.jugend.support>

The electronic complaints forms can be used anonymously.

- By email to the general email address of the complaints Office hotline@eco.de
- For complaints about emails received (like spam) by email to the email address general-spam@internet-beschwerdestelle.de for general spam or specific-spam@internet-beschwerdestelle.de for specific spam.
(Information about how to differentiate between general and specific spam can be found in § 4 (4) of the Rules of Procedure)

(2) Required details/admissibility of the complaint

In order to fully process the complaint we need concrete information about the reason for the complaint and where the reported content was found. The following information is required:

- Web-based content (e.g. websites, forums, file hosts, social media):
 - The URL of the content concerned
 - The reason for the complaint
 - In addition for complaints about forums:
 - Path of the post which is the subject of the complaint (e.g. [www.forum.....com/folder/post...](#))
 - Date and time of the post
 - Nickname of the user who authored the post
 - In addition for complaints about Facebook:
 - The complete URL of the post
 - Nickname of the group/user
 - If applicable, the URL of the picture

- A single newsgroup article or whole newsgroups:
 - Message ID of the posting/article which is the subject of the complaint
 - If complaining about an entire group, please provide the name of the group
 - Reason for the complaint
- File-sharing
 - File name
 - File-sharing exchange used
 - If possible, the magnet or edonkey link or kadlink
 - Date and time of the observation
- Communication in chat
 - Name of the chat and the chatroom
 - User name of the person bothering you
 - Date and time of the incident
 - Type of harassment, perhaps with an extract from the text or a screenshot
- Complaints about emails
 - The complete email which is the subject of the complaint
 - Include the original header; ideally copied into the forwarded email

Help on how to get your email programme to display the header of an email can be found here <http://www.isipp.com/resources/email-headers/>.

§ 3 Extent of the examination and standards

- (1) Insofar as the complaints contains the minimum informational requirements outlined in [§ 2](#) and can therefore be processed, the reported content will be examined with respect to its origin and to legal aspects.
- (2) The examination criteria for legal aspects (under German law) are in particular:
 - §§ 4 and 5 Interstate Treaty on the Protection of Minors in the Media (JMStV) (Content endangering youth and impairing development) as well as their corresponding criminal law regulations
 - §§ 184 ff German Criminal Code (StGB) (freely accessible adult pornography; violent, animal and child pornography)
 - §§ 86, 86a German Criminal Code (StGB) (Dissemination of propaganda material of unconstitutional organisations)
 - § 130 German Criminal Code (StGB) (Incitement to hatred)
 - § 130 a German Criminal Code (StGB) (Attempting to cause the commission of offences by means of publication)
 - § 131 German Criminal Code (StGB) (Dissemination of extreme depictions of violence)
 - § 174 German Criminal Code (StGB) (Grooming)
 - § 201a German Criminal Code (StGB) (Creating or obtaining pictures of naked minors in return for payment)

- §§ 129, 129 a German Criminal Code (StGB) (Supporting or advertising for criminal or terrorist organizations)
- § 111 German Criminal Code (StGB) (Public incitement to crime)
- § 7 Act Against Unfair Competition (UWG) (Unauthorized sending of advertising emails and newsletters)

§ 4 Measures taken by the Complaints Office

The Complaints Office takes the following measures on a case-by-case basis against justified complaints, while respecting the anonymity of the complainant:

(1) Report to law enforcement agencies

Should the examination of the Complaints Office show that the reported content could be subject to criminal proceedings, the Complaints Office will inform the relevant law enforcement agency. This can involve cooperating with the German Federal Criminal Police Office (Bundeskriminalamt).

If there is any suspicion of an imminent crime, then the Complaints Office will inform the police immediately, while respecting the anonymity of the complainant, if possible.

(2) Report to an INHOPE partner hotline

eco is a (founding) member of INHOPE (International Association of Internet Hotlines), the international umbrella association for complaints offices. Insofar reported Internet content contravenes pertinent youth media protection laws or criminal law and is hosted abroad in a country which has an INHOPE partner hotline, we will inform the partner hotline about the illegal Internet content. The partner hotline will then process the complaint further.

(3) Report to the service provider (in particular the content, host or platform provider)

Should the examination of the Complaints Office show that the reported content contravenes pertinent youth media protection laws or criminal law and is hosted in Germany, then the Complaints Office will notify the service provider (depending on the case; the content, host or platform provider) accordingly and ask for help (deletion of the content or the implementation of age verification systems or other measures to prevent unlimited access of minors to the reported content).

The same applies to content that is not hosted in Germany, if no other INHOPE partner hotline is responsible.

(4) Further measures for complaints about spam

When processing complaints about spam a distinction is made between “**general**” and “**specific**” spam emails.

- **General** spam emails are ones that are illegal because they were unsolicited.
- **Specific** spam emails are ones that either contain illegal content (as defined in [§ 3 \(2\)](#) of the Rules of Procedure) or, for example in a link, refer to illegal content.

(a) Procedure for general spam emails

Depending on the case, the Complaints Office takes the following measures

- The sender of the spam email is informed about the receipt of the complaint and requested to comply with the legal requirements for admissible email marketing.
- If reported spam emails were sent over botnets or open relays, then the provider used to do so is informed. The provider can then take further measures.
- Phishing emails or emails that contain malware may be forwarded for analysis to the eco services botfrei.de oder [Advanced Cyber Defense Centre](https://www.advancedcyberdefense.com), while respecting the anonymity of the complainant.
- eco cooperates with the Federation of [German Consumer Organisations – vzbv](https://www.vzbv.de) – and the [Information Centre for Protection against Unfair Competition \(WBZ\)](https://www.wbz.de) in combatting spam. The Complaints Office requests the complainant to submit a statutory declaration that they did not request the email which is the subject of the complaint and that they do not have a business relationship with the advertising company. Then the Complaints Office forwards this information and the spam email to the above-mentioned cooperation partners. These request the author of the spam email to give an undertaking enforced by criminal proceedings. Should the author not do so, criminal proceedings are initiated.
- Should a sender who belongs to the whitelist project Certified Senders Alliance (CSA) be concerned and the complainant has allowed the Complaints Office to share the complainant's email address with the sender, then the processing of the complaint is as outlined in the [CSA Rules of Procedure](https://www.csa-certified.com).
- If spam emails advertise telephone numbers, then the Complaints Office reports this to the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway (Bundesnetzagentur which is responsible for such cases. Information on how the Bundesnetzagentur deals with such complaints can be found [here](https://www.bundesnetzagentur.de).

(b) Procedure for specific spam emails

Specific spam emails are processed under the stipulations in § 4 (1-4a) of the Rules of Procedure and the following bodies be informed:

- Law enforcement agencies
- Senders/their internet service providers
- Service providers of advertised websites
- Partner complaints hotlines from the INHOPE network

§ 5 Informing the complainant

The complainant will be informed about the measures taken and the results of the proceedings, if desired, except for complaints related to emails. There is no feedback given for complaints about emails due to the extremely high number of complaints.

§ 6 Response to inadmissible or unjustified complaints

Inadmissible or unjustified complaints are not followed up on by the Complaints Office. The complainant will be informed by email about why the complaint is ruled to be inadmissible or unjustified. When a complaint could possibly be justified if further information is provided, then the Complaints Office will request the necessary details.

§ 8 Conduct of the staff of the Complaints Office in the complaints procedure

- (1) The staff of the Complaints Office will keep the content of complaints, their processing and the decision process confidential.
- (2) All measures that the Complaints Office takes while processing a complaint are strictly in accordance with data protection regulations and so personal details (name, email etc.) of the complainant are not made known to others, unless the complainant has agreed to the forwarding of said details.

§ 9 Complaints about decisions or the conduct of the Complaints Office

- (3) Complaints about decisions or the conduct of the Complaints Office are to be made to the Head of the Complaints Office under hotline_leitung@eco.de.

Cologne, October 2015