



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
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Dear Petitioner,

Thank you for your letter addressed to President Von Der Leyen on EU legislation to combat child sexual abuse online. She has asked us to respond to you on her behalf.

Taking action to combat child sexual abuse, offline and online, as well as guaranteeing the right to privacy and confidentiality of all users, are priorities for the Commission, as highlighted in the [EU Strategy for a more effective fight against child sexual abuse](#) (hereafter “the Strategy”) adopted on 24 July 2020.

The Strategy includes eight concrete initiatives, legislative and non-legislative, to address all aspects of child sexual abuse, including prevention, assistance to victims, and investigations.

One of the legislative initiatives was an interim Regulation laying down temporary and limited rules derogating from certain obligations laid down in Directive 2002/58/EC, with the sole objective of ensuring that providers of certain number-independent interpersonal communications services can continue using, subject to certain conditions, specific technologies for the processing of personal and other data to the extent strictly necessary to detect online child sexual abuse on their services and report it and to remove online child sexual abuse material from their services. [This Regulation](#) was adopted on 14 July 2021 and entered into force on 3 August 2021.

Let me stress that the confidentiality of communications is a cornerstone of the fundamental rights to respect for private and family life, guaranteed in the Charter of Fundamental Rights of the EU and Directive 2002/58/EC (the ePrivacy Directive). Mechanisms to detect child sexual abuse in communications interfere with these fundamental rights and that is the reason why the Interim Regulation takes a balanced approach. This Regulation aims at ensuring the continuity of the voluntary measures taken by the providers for the purpose to detect and report child sexual abuse online, including solicitation of children, provided these measures are lawful. At the same time, the Regulation aims at ensuring respect for the rights to privacy and data protection of users through a series of conditions that providers need to fulfil and introduces important safeguards. Amongst others, the Regulation ensures that providers deploy only the types of technologies that are the least privacy-intrusive in accordance with the state of the art in the industry, and that limit the error rate of false positives to the maximum extent possible.

Moreover, the Regulation establishes that the personal and other data processed to detect child sexual abuse material online is limited to what is necessary and is in principle deleted immediately and irrevocably (except when strictly necessary for the purposes

identified in the Regulation). In addition, I would like to stress that, to the extent that the Regulation applies, the processing of personal data is governed by the General Data Protection Regulation (GDPR).

Another legislative initiative announced in the Strategy is a proposal for new legislation to provide an effective long-term solution to combat child sexual abuse, including by requiring relevant online services providers to detect and report known child sexual abuse material to public authorities.

I assure you that the upcoming legislation will aim at ensuring full respect of the rights to privacy and data protection of all users, including children, whose right to privacy is grossly violated in the images and videos depicting their abuse that circulate online. The aim is to pursue a balanced approach that is limited to what is strictly necessary and proportionate, in compliance with the ePrivacy Directive, the GDPR and the Charter of Fundamental Rights of the European Union and the case law of the European Court of Justice. The safeguards which will be provided will ensure the full respect of fundamental rights, considering that child sexual abuse is a heinous crime that has serious life-long consequences for victims.

Yours faithfully,

[E-Signed]
Monique PARIAT