

France

	2013	2014		
Internet Freedom Status	Free	Free	Population:	63.9 million
Obstacles to Access (0-25)	4	3	Internet Penetration 2013:	82 percent
Limits on Content (0-35)	4	4	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	12	13	Political/Social Content Blocked:	No
TOTAL* (0-100)	20	20	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- Pressure on internet companies increased, with France responsible for 87 percent of all removal requests received by Twitter in the second half of 2013. Twitter was also ordered by a French court to help identify authors of racist and hateful tweets (see **Limits on Content**).
- French users no longer face the threat of having their internet access suspended for repeated copyright violations, due to a change in the controversial HADOPI laws. Users now face reduced fines (see **Violations of User Rights**).
- In a victory for free speech, a French woman accused of defamation by the Ministry of the Interior was found not guilty by a court in May 2014. Amal Bentounsi had appeared in an online video in which she decried impunity for police brutality (see **Violations of User Rights**).
- Concerns over electronic surveillance increased after the passage of legislation in December 2013 that extended surveillance powers of intelligence agencies while failing to require judicial approval for their activities (see **Violations of User Rights**).

Introduction

France has a highly developed telecommunications infrastructure and a history of innovation in information and communications technologies (ICTs).¹ Starting in the 1970s, France began developing Teletex and Videotex technologies, leading to the introduction of the widely popular Videotex service Minitel in 1982, which was accessible through telephone lines. In many ways, Minitel predicted applications of the modern internet, such as travel reservations, online retail, mail, chat, and news. At its peak, Minitel had around nine million users, and hundreds of thousands continued to use the service, even after the World Wide Web was introduced in 1994. It was not until June 2012 that the Minitel service was discontinued, primarily due to the growth of the internet industry.² France's current ICT market is open, highly competitive, and has benefitted from the privatization of the state-owned company France Telecom.

While France has traditionally maintained a relatively open and accessible internet, several actions on the part of successive administrations have raised concerns from internet freedom groups and free speech activists. Hate speech, defamation, copyright, and privacy are highly contentious issues relevant to French cyberspace. On several occasions over the past years, politicians have proposed highly restrictive measures, such as the imprisonment of frequent visitors to extremist websites and the mandatory registration of online news editors.³ A bill was also drafted that would ban the online sale of goods below market prices, thereby hurting e-commerce in a bid to protect brick and mortar shops.⁴ A similar bill was passed in June 2014 that hinders online bookstores from offering free delivery on already discounted books.⁵

Intermediaries, particularly internet companies, have come under increasing pressure from French authorities for practices related to privacy, data collection, and hate speech. Twitter, frequently called on to take strong measures against "offensive" tweets, was ordered in 2013 by a French court to help identify authors of racist tweets.⁶ French authorities were responsible for 87 percent of all removal requests received by Twitter in the second half of 2013.⁷ In the first half of 2014, France ranked behind only Turkey for the highest number of requests.⁸ Google was fined EUR 150,000 (US\$ 200,000) by the National Commission on Information Technology and Freedoms (CNIL) for violating European data protection laws, as implemented in France. The company will appeal the verdict, and similar cases from other EU countries are in the works.⁹

1 Jonathan Gregson, "French infrastructure takes some beating," Wall Street Journal, July 5, 2010, accessed March 16, 2014, <http://online.wsj.com/ad/article/france-infrastructure>.

2 John Lichfield, "How France fell out of love with Minitel," The Independent, June 9, 2012, <http://www.independent.co.uk/news/world/europe/how-france-fell-out-of-love-with-minitel-7831816.html>.

3 Jean-Loup Richet, "Internet Censorship in France: should we criminalize viewers?," Herdict, April 24, 2012, Accessed March 17, 2014, <http://www.herdict.org/blog/2012/04/24/internet-censorship-in-france-should-we-criminalize-viewers/>.

4 Guillaume Champeau, "Sell cheaper on the web soon to be forbidden" (translated), April 05 2013, Accessed April 19 2013, <http://www.numerama.com/magazine/25593-vendre-ses-produits-moins-cher-sur-internet-bientot-interdit.html>.

5 Sarah Gray, «France passes "anti-Amazon" bill aimed at helping small bookstores», Salon.com, accessed August 28, 2014, http://www.salon.com/2014/06/27/france_passes_anti_amazon_bill_aimed_at_helping_small_bookstores/.

6 France24, January 24, 2013, accessed March 16, 2014 <http://www.france24.com/en/20130124-french-court-twitter-identify-authors-racist-anti-semitic/>

7 Voltaire Network, February 14, 2014, accessed March 16 2014 <http://www.voltairenet.org/article182090.html>

8 See <https://transparency.twitter.com/removal-requests/2014/jan-jun>.

9 Charles Arthur and agencies, "Google's link to French privacy fine crashes watchdog's site," The Guardian, February 10, 2014, <http://www.theguardian.com/technology/2014/feb/10/googles-link-french-privacy-fine-crashes-watchdog-cnil>.

The greatest concern for internet freedom advocates in France is electronic surveillance of the public. Leaks and reports have provided evidence that French intelligence authorities conduct mass surveillance and cooperate with their British and American counterparts, Government Communication Headquarters and the National Security Agency. In December 2013, an article was added to an omnibus bill on the military budget that extended legal powers for authorities to gain access to or record telephone conversations, emails, internet activity, personal location data and other electronic communications.¹⁰ The legislation provides for no judicial oversight and allows electronic surveillance for a broad range of purposes, including “national security,” the protection of France’s “scientific and economical potential,” and prevention of “terrorism” or “criminality.”

In a positive development, the most controversial provision of the French antipiracy law, referred to as the “HADOPI law” after the agency tasked with its implementation, was abolished in July 2013 and replaced with fines of up to EUR 1,500 (US\$ 2,000) for copyright offenders.¹¹ The law had been criticized by civil society organizations and international bodies for its “three strikes” provision, which required internet service providers (ISPs) to disconnect users from the internet for a period of two to twelve months when found to repeatedly engage in piracy. HADOPI since released a report revealing that, from 2009 to mid-2014, the agency sent over 3 million notices to French users to cease accessing pirated content. Just over 10 percent went on commit further offenses, resulting in a second warning letter. Of those warned a second time, only 0.45 percent, or 1,502 subscribers, received a third notice. Only 116 cases went to court and ended with fines ranging from EUR 250 to 700 (US\$ 310 to 870).¹²

Obstacles to Access

Since 2009, the French government has been committed to providing widespread access to high-speed broadband and has promised to achieve universal coverage by 2025.¹³ As a part of this plan, in February 2013 Alcatel-Lucent and Orange (France Telecom) announced the deployment of the world’s most powerful broadband infrastructure, an optical-link, 400 Gbps line between Paris and Lyon.¹⁴

France had an internet penetration rate of 81.92 percent at the end of 2013, up from 70.68 percent in 2008.¹⁵ Fixed broadband use increased during the same period, from 28.50 percent to 38.79

10 Scott Sayare, “France Broadens Its Surveillance Power,” New York Times, December 14, 2013, accessed March 16, 2014, <http://www.nytimes.com/2013/12/15/world/europe/france-broadens-its-surveillance-power.html?partner=rss&emc=rss&r=2&>

11 “France: ARTICLE 19 welcomes repeal of HADOPI law but concerns remain,” Article 19, July 18, 2013, <http://www.article19.org/resources.php/resource/37169/en/france:-article-19-welcomes-repeal-of-hadopi-law-but-concerns-remain>.

12 Andy, “9% of French internet subscribers accused of piracy,” Torrent Freak, July 18, 2014, <http://torrentfreak.com/9-of-french-internet-subscribers-accused-of-piracy-140718/>.

13 Jonathan Gregson, “French infrastructure takes some beating,” Wall Street Journal, July 5, 2010, accessed April 23, 2013, <http://online.wsj.com/ad/article/france-infrastructure>.

14 Bernhard Warner, “Alcatel-Lucent Unveils World’s Most Powerful Broadband Infrastructure,” Business Week, February 15, 2013, accessed April 23, 2013, <http://www.businessweek.com/articles/2013-02-15/alcatel-lucent-unveils-worlds-most-powerful-broadband-infrastructure>.

15 “Percentage of Individuals Using the Internet – 2000-2013,” International Telecommunication Union, accessed July 29, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

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percent.¹⁶ Regionally, penetration ranges from 84.4 percent in the Paris area to 65 percent in the northwest of France.¹⁷ Most at-home users have access to broadband connections, while the remaining households are connected either through dial-up or satellite services, usually due to their rural location.¹⁸ Over 5 million households did not use the internet in 2014,¹⁹ either due to obstacles to access, or personal choice.²⁰ As French statisticians do not record information related to race, there is no government data relating to internet use according to ethnicity.²¹ On a positive note, there is little or no gender gap when it comes to internet access.²²

The average monthly cost of broadband internet access in France is approximately EUR 30 (US\$ 43), for both ADSL,²³ and fiber-optic connections.²⁴ Considering the average monthly income is EUR 2,359 (US\$ 3,279),²⁵ this makes internet access fairly affordable for a large percentage of the population. Companies such as Free Telecom also offer cheap internet access and mobile contracts through bundled deals.

There were 63.24 million mobile contracts in use in France at the end of 2013, representing a penetration rate of 98.50 percent.²⁶ Over 23 million people use their mobile devices to access the internet,²⁷ mostly in addition to a household connection.²⁸

There are no significant hurdles to prevent diverse business entities from providing access to digital technologies in France. The main ISPs are Orange, Free, SFR, Bouygues Telecom, and Numericable, with around 40 smaller private and non-profit ISPs. Apart from Numericable, these ISPs are also the four main mobile phone operators and work in conjunction with some 40 mobile virtual network operators (MVNOs). France Telecom is the formerly state-owned company that has since been

16 "Fixed (wired) broadband subscriptions," 2000-2012," International Telecommunication Union, accessed July 29, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

17 Frantz Grenier, "Internet in the Different Regions of France" (translated), March 21, 2013, accessed April 19 2013, <http://www.journaldunet.com/ebusiness/le-net/nombre-d-internautes-en-france-par-region.shtml>.

18 Ariase, "ADSL and Broadband Access in France" (translated), accessed April 19, 2013, <http://www.ariase.com/fr/haut-debit/index.html>.

19 Mediametrie, "Obstacles to access" (translated), July 31, 2014, accessed August 28, 2014, <http://www.mediametrie.fr/comportements/communiques/home-devices-2eme-vague-de-la-nouvelle-mesure-des-equipements-multimedias-de-mediаметrie.php?id=1107>.

20 Nil Sanyas, "the unplugged" (translated), September 12 2012, Accessed April 14 2013, <http://www.pcinpact.com/news/73774-la-france-compte-95-millions-deconnectes-et-17-million-assument.htm>.

21 Patrick Simon, "The Choice of Ignorance: The Debate on Ethnic and Racial Statistics in France," French Politics, Culture & Society, Vol. 26, No. 1, Spring 2008, accessed April 23, 2013, http://www.academia.edu/573214/The_choice_of_ignorance_The_debate_on_ethnic_and_racial_statistics_in_France.

22 "France," New Media Trend Watch, accessed April 23, 2013, <http://www.newmediatrendwatch.com/markets-by-country/10-europe/52-france?start=1>.

23 Ariase, "Comparatifs (Comparatives)", accessed March 16, 2014, <http://www.ariase.com/fr/comparatifs/adsl.html>.

24 Ariase, "Comparatifs (Comparatives)", accessed March 16, 2014, <http://www.ariase.com/fr/comparatifs/fibre-optique.html>.

25 OECD Better Life Index, France, accessed March 16, 2014, <http://www.oecdbetterlifeindex.org/countries/france/>

26 "Mobile-cellular telephone subscriptions – 2000-2013," International Telecommunication Union, accessed July 29, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

27 Alexandra Bellamy, "French people loves their smartphones and tablets" (translated), LesNumeriques.fr, December 11 2012, Accessed March 16 2014, <http://www.lesnumeriques.com/france-amoureuse-smartphones-tablettes-n27347.html>.

28 Ipsos MediaCT, "PCs, smartphones, tablets: cumulative and complementary use" (translated), September 22, 2011, accessed March 16, 2014, <http://www.ipsos.fr/ipsos-mediact/actualites/2011-09-22-pc-smartphones-tablettes-usages-se-cumulent-et-se-complent>.

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privatized and renamed Orange.²⁹ The government still directly owns 13.5 percent of shares in the company, with a further 13.5 percent owned by a sovereign wealth fund operated by the state.³⁰ Another provider, Free, is a relative newcomer in the mobile market—its 3G license was awarded by the French regulatory authority in December 2009—and has quickly picked up market share through aggressive pricing practices. This price war led the French media conglomerate Vivendi to sell its mobile phone company SFR; in April 2014, Vivendi accepted a €17 billion (US\$22.85 billion) offer from Numericable.³¹ In the meantime, Bouygues Telecom began a round of strategic downsizing after failing to sell its assets.³²

The internet backbone consists of several interconnected networks run by ISPs and shared through peering or transit agreements. As such, there is no central internet backbone and ISPs are not required to lease bandwidth from a monopoly holder. However, an accident at an exchange node operated by the company Telehouse in March 2014 generated minor service disruptions in the French internet and major panic on social networks.³³

The telecommunications industry in France is regulated by the Regulatory Authority for Electronic and Postal Communication (ARCEP),³⁴ while competition is regulated by France's Competition Authority and, more broadly, by the European Commission (EC).³⁵ The commissioner of ARCEP is appointed by the government, though as an EU member state, France must ensure the independence of its national telecommunications regulator. Given that the French state is a shareholder in Orange, the country's leading telecommunications company, the EC stated that it would closely monitor the situation in France to ensure that European regulations were being met.³⁶ The EC has previously stepped in when the independence of national telecommunications regulators seemed under threat, notably in Romania, Latvia, Lithuania, and Slovenia.³⁷ ARCEP remains an independent and impartial body and decisions made by the regulator are usually seen as fair.

In the past, ARCEP has taken decisions to ensure the fairness of the telecommunications market. ARCEP placed Free under investigation in early 2013 after the ISP released a firmware update

29 "France Telecom to become Orange on July 1 2013," Orange, May 28, 2013, <http://www.orange.com/en/press/press-releases/press-releases-2013/France-Telecom-to-become-Orange-on-1-July-2013>.

30 According to Cofisem, as of July 2013, the major shareholders in Orange were Fonds Stratégique d'Investissement (13.5%), French State (13.45%), Employees (4.81%), and company-owned shares (0.58%). 67.66% are owned by "other shareholders." "Orange – European Equities," NYSE Euronext, accessed March 16 2014, <https://europeanequities.nyx.com/en/products/equities/FR0000133308-XP/COMPANY-INFORMATION>.

31 "Numericable to buy SFR," (translated), Le Nouvel Obs, accessed May 13, 2014, <http://tempsreel.nouvelobs.com/economie/20140405.OBS2813/rachat-de-sfr-vivendi-choisit-numericable-au-detriment-de-bouygues.html?xtor=RSS-17>.

32 Le Point, « Bouygues didn't received any offers from Orange and Free » (translated), August 05, 2014, Accessed August 29, 2014 http://www.lepoint.fr/high-tech-internet/bouygues-telecom-n-a-recu-a-ce-jour-aucune-offre-de-rachat-05-08-2014-1851499_47.php.

33 Guericc Poncet, "What really happened at TH2" (translated), Le Point, April 04, 2014, accessed August 29, 2014, http://www.lepoint.fr/chroniqueurs-du-point/guerric-poncet/panique-sur-l-internet-francais-ce-qui-s-est-vraiment-passe-chez-th2-04-04-2014-1809182_506.php.

34 "Autorité de Régulation des Communications Électroniques et des Poste," <http://www.arcep.fr/index.php?id=1&L=1>.

35 "Autorité de la concurrence," <http://www.autoritedelaconcurrence.fr/user/index.php>.

36 "ARCEP must remain independent vis-a-vis government – EC," Telecompaper, January 14, 2011, accessed April 16th 2013, <http://www.telecompaper.com/news/arcep-must-remain-independent-vis-a-vis-government-ec--778936>.

37 Arjan Geveke, "Improving Implementation by National Regulatory Authorities," European Institute of Public Administration, 2003, accessed March 16, 2014, http://aei.pitt.edu/2592/1/scop_3_3.pdf.

that included an “ad-blocker” function to remove advertisements from appearing on websites.³⁸ Executives at Free were reportedly attempting to force Google to compensate the ISP for the high levels of data traffic coming from YouTube and other Google sites. The American company had made a similar agreement with leading ISP Orange. Free backed down under government pressure and criticism that the ISP was harming net neutrality by failing to deliver unobstructed content.³⁹

Limits on Content

Although France has a strong record of an open and accessible internet, over the past few years the country has come under some criticism from online activists and free speech advocates. Controversially, French authorities have stepped up efforts to block or remove online content that is found to violate copyright protections or infringe on privacy. The most ardent defenders of free speech have been loath to see any sort of administrative filtering in France, fearing that laws such as LCEN, LPM, LOPPSI 2, and HADOPI,⁴⁰ may eventually lead to a spillover whereby controversial yet legal sites are censored by administrative agencies and without a court order (See “Violations on User Rights”).⁴¹ Furthermore, child pornography and other illegal websites are blocked.⁴² Article R645-1 of the French criminal code outlaws the display of the emblems, uniforms, or badges of criminal organizations, under penalty of a fine.⁴³ Websites that contravene this law have been requested to remove the content or face blocking.⁴⁴

French law recognizes “the right to be forgotten” (*le droit à l’oubli*), which has its roots in rehabilitated criminals who did not wish to see their past cases publicized, having already “paid their debt to society” through jail time. In France, individuals could already request that defamatory content related to them can be removed through a court order in line with Article 29 of the 1881 Law on Press Infractions—related to insult, defamation, or denigration—and the 2004 Law for Trust in the Digital Economy (LCEN), which holds hosting providers liable if they fail to cooperate with a court decision.⁴⁵ Some obligations were taken away from hosts and placed on the rights owners in a July 2012 ruling, however.⁴⁶

38 Cyrus Farivar, “France’s second-largest ISP deploys ad blocking via firmware update,” *Ars Technica*, January 3, 2013, <http://arstechnica.com/business/2013/01/frances-second-largest-isp-deploys-ad-blocking-via-firmware-update/>.

39 Chiponda Chimbela, “French ISP revives debate on ‘free Internet,’” *DW*, January 9, 2013, <http://www.dw.de/french-isp-revives-debate-on-free-internet/a-16508222>.

40 “[Au revoir, internet cut-off: France revokes anti-piracy penalty](http://gigaom.com/2013/07/09/au-revoir-internet-cut-off-france-revokes-anti-piracy-penalty/),” Jeff John Roberts, July 9 2013, accessed March 16 2014 <http://gigaom.com/2013/07/09/au-revoir-internet-cut-off-france-revokes-anti-piracy-penalty/>

41 Olivier Dumons, “After DADVSI and HADOPI, LOPPSI 2 To Be Released” (translated), May 18 2009, Accessed March 16 2014, http://www.lemonde.fr/technologies/article/2009/05/18/apres-la-dadvs-et-hadopi-bientot-la-loppsi-2_1187141_651865.html, and La Quadrature du Net, “Administrative Net Censorship adopted in France” (translated), December 15 2010, Accessed March 16 2014, <http://www.laquadrature.net/fr/loppsi-censure-administrative-du-net-adoptee-les-pedophiles-sont-tranquilles>.

42 “France: Loppsi 2 Adopted – Internet filtering without court order,” *Digital Civil Rights in Europe*, February 23, 2011, accessed March 16, 2014, <http://edri.org/edri-gram-number9-4web-blocking-adopted-france-loppsi-2/>

43 Elissa A. Okoniewski, “Yahoo!, Inc. v. Licra: The French Challenge to Free Expression on the Internet,” 2002, accessed March 16, 2014, <http://www.auilr.org/pdf/18/18-1-6.pdf>

44 Roger Darlington, “Should the Internet be Regulated?” no publication date, accessed March 16, 2014, <http://www.rogerdarlington.me.uk/regulation.html>

45 Loi pour la Confiance dans l’Économie Numérique

46 “No Stay Down Obligation for Hosting Providers in France,” Christine Gateau and Christelle Coslin, July 2, 2013, accessed March 16, 2014 <http://www.scl.org/site.aspx?i=ed32661>

The controversial issue has been taken up by the European Commission in recent years,⁴⁷ resulting in proposals that have been criticized by some as impossible to enforce or threatening to free speech.⁴⁸ In June 2013, the advocate-general of the European Court of Justice, Niilo Jaaskinen, stated his opinion that the right to be forgotten did not exist under current European data and privacy laws.⁴⁹ However, on May 13, 2014, the ECJ found that the 1995 Data Protection Directive did apply to the activities of search engines like Google, and that these companies may have to remove certain search results if the data is deemed to violate an individual's right to privacy.⁵⁰ The court decided that by searching automatically, constantly, and systematically for information on the internet, search engines are "collecting" and "processing" data within the meaning of the directive. Based on this ruling, individuals within the European Union can now request that search engines remove links associated with their name, but only in searches for that individual's name and under the condition that the information in the links is "inadequate, irrelevant, or no longer relevant" and is not considered to be in the public interest. Many critics of this ruling argued that the court should not have granted private companies the authority to arbitrate competing concerns between the right to privacy and the right to information, and that the court failed to establish clear guidelines regarding when links to data should be removed.⁵¹

Intermediaries are coming under increasing pressure to cooperate with French authorities against defamation, copyright, and hate speech. French authorities are highly active in pursuing the removal of content online. As an indication, Google's Transparency Report noted that the total number of content removal requests it received from the French government from January to June 2013 increased by 81 percent, compared to the previous six-month period.⁵² In November 2013, the High Court of Paris ordered Google, Yahoo, and Microsoft to remove links to 16 video streaming websites from search engine results. The action stemmed from a 2011 case brought to the French court by five different associations representing different sectors of the film and television industry. French ISPs were also ordered to block access to the websites.⁵³

In a separate case from November 2013, a French court ordered Google to remove links to images of Max Mosley that were originally published by the British newspaper *News of the World*, which

47 Mike Masnick, "EU Report: The 'Right To Be Forgotten' Is Technically Impossible... So Let's Do It Anyway," TechDirt, December 6, 2012, accessed March 16, 2014, <http://www.techdirt.com/articles/20121205/08425221239/eu-report-right-to-be-forgotten-is-technically-impossible-so-lets-do-it-anyway.shtml>.

48 Jeffrey Rosen, "The Right to be Forgotten," Stanford Law Review, March 16 2014, <http://www.stanfordlawreview.org/online/privacy-paradox/right-to-be-forgotten>.

49 "EU Court Of Justice Advocate General: No Right To Be Forgotten; Google Not Responsible For What It Finds," TechDirt, June 26, 2013, accessed March 16, 2014, <https://www.techdirt.com/articles/20130625/12263423615/eu-court-justice-advocate-general-says-theres-no-right-to-be-forgotten-google-not-responsible-what-it-finds.shtml>.

50 The court case in question is that of Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos, Mario Costeja González. See Press Release No. 70/14, Court of Justice of the European Union, May 13, 2014, <http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-05/cp140070en.pdf>.

51 The Editorial Board, "Ordering Google to Forget," The New York Times, May 13, 2014, <http://www.nytimes.com/2014/05/14/opinion/ordering-google-to-forget.html?hp&rref=opinion&r=0> and Natasha Lomas, "Jimmy Wales Blasts Europe's 'Right to Be Forgotten' Ruling as a 'Terrible Danger,'" TechCrunch, June 7, 2014, <http://techcrunch.com/2014/06/07/wales-on-right-to-be-forgotten/>.

52 "France," Google Transparency Report, accessed March 16, 2014, <http://www.google.com/transparencyreport/removals/government/FR/>.

53 Andy, "Court orders Google, Microsoft & Yahoo to make pirate sites disappear," Torrek Freak, November 29, 2013, <http://torrentfreak.com/court-orders-google-microsoft-yahoo-to-make-pirate-sites-disappear-131129/>. The associations included the Film Makers Association (APC), National Federation of Film Distributors (FNDF), Union of Digital Video Editing (SEVN), the Union of Film Producers (UPF), and the Union of Independent Producers (SPI).

closed after a high-profile phone-hacking scandal.⁵⁴ Mosley had sued the newspaper over the photos, which purported to show Mosley, formerly the president of the International Automobile Federation (FIA), at a Nazi-themed orgy with prostitutes.

In July 2013, Twitter complied with a court order filed six months earlier to reveal the identity of authors of hateful and anti-Semitic tweets to human rights associations. Twitter also gave a special account to SOS Homophobie, an LGBT rights NGO, allowing the charity to quickly and easily report homophobic tweets to Twitter staff.⁵⁵ Indeed, in January 2013, the French Minister for Woman's Rights and a government spokesperson, Najat Vallaud-Belkacem, had called for Twitter to take greater responsibility in preventing the posting of hate speech on the site.⁵⁶ However, the proposal was criticized as a danger to free speech, potentially allowing the government to classify unfavorable opinions under the vague term of hate speech.⁵⁷ The move would also place an unfair burden on intermediaries, forcing them to use their discretion to prescreen content that could be deemed as offensive.⁵⁸ When it comes to the curtailing of illegal content, ISPs and mobile telephone companies who provide internet access currently have no obligation to preemptively review any of the content they transmit or store. Nevertheless, according to LCEN, they must take prompt action to withdraw the relevant content when informed of unlawful information or activity, or face the possibility of civil liability. Similarly, cybercafes and other public places which provide internet access have no responsibility to review the content which can be viewed by their customers but are liable in cases of illegal activities; as a result, cybercafes must log the activities of their customers (see "Violations of User Rights").

In June 2013, a 2011 draft law that suggested new means by which various government agencies could force content owners to remove content or instruct ISPs to block webpages was finally rejected.⁵⁹ The draft outlined procedures for blocking or removing online content under Article 18 of LCEN, "in case of violation, or where there is a serious risk of violation, of the maintenance of public order, the protection of minors, the protection of public health, the preservation of interests of the national defense, or the protection of physical persons."⁶⁰ However, the order came under fire from internet freedom activists and the e-commerce community, who pointed out that intermediaries could face an unfair responsibility to police content.⁶¹ There were also fears that, under the proposal's vague wording, the law would be applicable to most websites rather than only those

54 "French court orders Google to block Mosley 'orgy photos,'" BBC News, November 6, 2013, <http://www.bbc.com/news/world-europe-24840320>.

55 Xavier Berne, « SOS Homophobie to be priority on Twitter » (translated), PC Impact, June 2013, accessed August 29 2014, <http://www.nextinpact.com/news/80753-signalment-tweets-illicites-sos-homophobie-prioritaire-depuis-mars.htm>.

56 Najat Vallaud-Belkacem, "Twitter must respect the values of the Republic" (translated), Le Monde, December 28 2012, accessed March 16 2014, http://www.lemonde.fr/idees/article/2012/12/28/twitter-doit-respecter-les-valeurs-de-la-republique_1811161_3232.html.

57 Glenn Greenwald, "France's censorship demands to Twitter are more dangerous than 'hate speech,'" The Guardian, January 2, 2013, accessed March 16, 2014, <http://www.guardian.co.uk/commentisfree/2013/jan/02/free-speech-twitter-france>.

58 Mike Masnick, "French Politician Wants Twitter To Help Censor Speech," Techdirt, January 04 2013, accessed March 16, 2014, <http://www.techdirt.com/articles/20130103/03195521559/french-politicians-wants-twitter-to-help-censor-speech.shtml>.

59 Olivier Robillart, "Article 18 finally rejected by French Assembly" (translated), June 28, 2013, <http://pro.clubic.com/legislation-loi-internet/actualite-568770-lcen-blocage-administratif.html>.

60 Simon Columbus, "French Government Plans to Extend Internet Censorship," Open Net, June 2011, <https://opennet.net/blog/2011/06/french-government-plans-extend-internet-censorship>

61 French National Digital Council, "Review of the LCEN Decree" (translated), June 17 2011, Accessed April 12 2013, http://static.pcinpact.com/media/2011-06-17_avisccn_decretart18lcn_vf.pdf

engaged in e-commerce, as originally intended.⁶² This would have opened up the possibility that any website could be blocked arbitrarily and without due process under the proposal's emergency clause.

The original passage of LCEN was met with criticism from many in France, including members of parliament (MPs) from the Socialist Party. The MPs submitted a brief to the Constitutional Court to review several clauses of LCEN that failed to define email as private correspondence (and thus subject to greater surveillance), "privatized justice" through administrative notices and extralegal take down procedures, and set a longer statute of limitations for online content versus traditional media. The grounds under which authorities could restrict access to communications were also criticized as overly broad and open to abuse.⁶³

French authorities are fairly transparent about what websites are blocked and why content must be taken down. Incitement of hatred, racism, Holocaust denial, child pornography, copyright infringement, and defamation are illegal. Requests to block or remove content can emanate from individuals, copyright holders, or government bodies. These requests must be reviewed by a court, which then instructs ISPs, content holders, or other intermediaries to implement its decision.

France is home to a highly diverse online media environment. In recent years, several French protests have been organized online, including demonstrations against cuts in government-supported programs such as education or changes to labor laws proposed in 2006.⁶⁴ More recently, from January to April 2013, online campaigns such as those organized by the controversial figure Frigide Barjot and others mobilized large groups of demonstrators using social media networks to oppose legislation surrounding same-sex marriages.⁶⁵ The legislation was passed in April 2013.⁶⁶

French digital rights and online freedom advocacy groups are very active and play a significant role in the country. For example, the group La Quadrature du Net successfully lobbied the European Parliament for an amendment to the EU Telecoms Package to ensure that no restrictions on internet access could be imposed without prior judicial approval.⁶⁷ After the European Parliament rejected ACTA in July 2012, the group also published a proposal for a new regulatory framework on reforming copyright issues.⁶⁸

A petition on Change.org to stop Article 20 of the LPM received over 100,000 signatures. A Twitter

62 Andréa Fradin, "Administrative filtering" (translated), Owni.fr, June 16 2011, Accessed April 17 2013, <http://owni.fr/2011/06/16/filtrage-par-decret/>

63 "French E-Commerce Law Tested in Constitutional Court," Digital Civil Rights in Europe (EDRI), June 2, 2004, <http://edri.org/edriqramnumber2-11en/>.

64 Le Monde, "CPE protests in France" (translation), March 28 2006, accessed March 17 2014, http://www.lemonde.fr/societe/infographie/2006/03/28/les-manifestations-anti-cpe-du-28-mars-en-france_755523_3224.html, and Flickr, February 2006, Accessed March 17 2014, <http://www.flickr.com/groups/71873699@N00/pool/>.

65 Andrew Cusack, "France Marches for Marriage," January 13, 2013, accessed March 17 2014, <http://www.andrewcusack.com/2013/01/13/le-manif-pour-tous/>, and Stéphane Kovacs, "Protests Over Gay Marriage and Guerilla" (translated), Le Figaro, April 17 2013, Accessed March 17 2014, <http://www.lefigaro.fr/actualite-france/2013/04/16/01016-20130416ARTFIG00433-manif-pour-tous-dans-les-coulisses-de-la-guerilla.php>.

66 Laura Smith-Spark, "French lawmakers approve same-sex marriage bill," CNN, April 24, 2013, <http://www.cnn.com/2013/04/23/world/europe/france-same-sex-vote>.

67 Danny O'Brien, "Blogging ACTA across the globe: the view from France," Electronic Frontier Foundation, January 2010, accessed March 17, 2014, <https://www.eff.org/deeplinks/2010/01/acta-and-france>.

68 Philippe Aigrain, "Elements for the reform of copyright and related cultural policies", Accessed March 17, 2014, http://www.laquadrature.net/files/Elements_for_the_reform_of_copyright_and_related_cultural_policies.pdf.

campaign, using the hashtag “#StopArt20” was also launched. However, none of these actions resulted in government action.⁶⁹

Violations of User Rights

France’s constitution guarantees freedom of speech,⁷⁰ in accordance with the 1789 Declaration of the Rights of Man.⁷¹ The European Convention on Human Rights, of which France is a signatory, provides for freedom of expression, subject to certain restrictions which are “necessary in a democratic society.”⁷² However, the French government has enacted several laws which, while seeking to protect the rights of internet users and copyright holders, also threaten the rights of citizens online. Laws such as LOPSSI 2, LCEN, LPM and the HADOPI have been highlighted by online activists and internet companies over concerns that they may overreach in their aims. Electronic surveillance also operates under a vague legal framework, with some fears that intelligence authorities have engaged in extralegal monitoring of users’ online activities and have cooperated with their transatlantic counterparts in the United States and United Kingdom. Recently, efforts have been made to clarify the procedures behind such surveillance, although internet freedom advocates have pointed out that some of this legislation, such as that attached to the Law on Military Programming, falls short on checks and balances.

Major changes to the HADOPI laws on copyright were enacted by the government in May 2013, after the publication of the Lescure Report, a study commissioned by President François Hollande.⁷³ The laws, HADOPI 1 and 2,⁷⁴ take their name from France’s High Authority for the Distribution of Works and the Protection of Rights on the Internet, referred to by the French acronym HADOPI. The agency was introduced in 2009 in a bid to promote the distribution and protection of creative works on the internet.⁷⁵ The most controversial aspect of its mandate was the graduated response mechanism, or “three-strikes” rule, which effectively cut off internet access to households that were found to have violated copyright laws after the issuance of two warnings. This punishment was largely denounced as a violation of the fundamental right of freedom of access to information on the internet.⁷⁶ In July 2013, the government halted the practice of suspending broadband access, while reducing the set of fines incurred for copyright violations.⁷⁷

69 See <https://www.change.org/petitions/french-parliament-protect-netfreedom-stopart20>.

70 Guy Carcassonne, “The Principles of the French Constitution,” written for the French Embassy in the U.K., May 2002, accessed March 17, 2014, http://www.unc.edu/depts/europe/francophone/principles_en.pdf.

71 “The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law,” Declaration of the Rights of Man, 17 89, accessed March 17, 2014, http://avalon.law.yale.edu/18th_century/rightsof.asp.

72 “European Convention on Human Rights,” accessed March 17, 2014, http://www.echr.coe.int/Documents/Convention_ENG.pdf.

73 Lescure Report, accessed March 17, 2014 http://www.culturecommunication.gouv.fr/var/culture/storage/culture_mag/rapport_lescurer/index.htm#/1

74 HADOPI 2 came after the constitutional court invalidated parts of HADOPI 1. Indeed, the first HADOPI was adopted in June 2009, but the constitutional court rejected two articles that were against the presumption of innocence. HADOPI 2 came in October 2009, improving the rejected articles and adding more details on the procedure.

75 Haute Autorité pour la diffusion des œuvres et la protection des droits sur internet.

76 Frank La Rue, UN Report, May 16 2011, Accessed April 17 2013, <http://documents.latimes.com/un-report-internet-rights/>.

77 For the full text of the law, in French, see “Décret n° 2013-596 du 8 juillet 2013 supprimant la peine contraventionnelle complémentaire de suspension de l’accès à un service de communication au public en ligne et relatif aux modalités de transmission des informations prévues à l’article L. 331-21 du code de la propriété intellectuelle,” <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027678782&dateTexte=&categorieLien=id>.

The copyright-enforcing agency has since attempted to encourage users to access content legally, as opposed to focusing on the punishment for illegal access. Indeed, at the end of 2013, HADOPI launched Offre Légale Hadopi (“Legal Offer”), a site listing over 300 websites that offer legal, copyright-friendly alternatives to illegal content. As a concept, it has been considered a great improvement on the PUR (“Promotion des Usages Responsables”) label of the past, which only classified approximately 30 suitable websites. Unfortunately, the site still lacks a search function, which would greatly improve its usability.⁷⁸ HADOPI itself has had its budget slashed and, as an institution, may cease to exist as the French government is considering transferring it over to the Conseil Supérieur de l’Audiovisuel (CSA), the radio and television regulator.⁷⁹

Online journalists, bloggers, and activists have been tried by the French authorities for offenses related to hacking, defamation, and hate speech. In some cases, they have been the victims of a lack of technical knowledge by the courts. For instance, in 2012, blogger and digital activist Olivier Laurelli (alias “Bloutouff”) was arrested for “illegally accessing” confidential documents related to the French Agency for Food, Environmental and Occupational Health and Safety (ANSES). The documents were not properly secured and were available through Google’s index.⁸⁰ Laurelli, who runs his own VPN company, Toonux, published content from the documents on Reflets.info, the news community website he co-founded. The DCRI, a former intelligence agency linked to the Interior Minister, traced the actions back to the VPN and contacted Laurelli as its operator. He was acquitted of criminal charges by a lower court. However, in February 2014, he was found guilty of stealing and improperly retaining the documents, a charge carrying a EUR 3,000 (US\$ 4,000) fine.

In a case that triggered defense from free speech advocates, Manuel Valls, the Minister of the Interior, sued Amal Bentounsi on charges of defamation against a public administration. Bentounsi, whose brother Amine was mistakenly killed by police in 2012, runs a site against police brutality and published a video in which she made a sarcastic comment about widespread impunity under the justice system.⁸¹ A court acquitted her of the charges in May 2014 in an important victory for free speech.⁸²

Separately, at least one user was jailed for calling for violence online. In March 2014, the moderator of a Francophone jihadist site was sentenced to one year in jail, with two further years as a suspended sentence. Romain Letellier is reportedly the first to be convicted under a 2012 law against “cyber-jihadism” for broadcasting calls to violence on the website *Ansar al-Haqq* (Defenders of the Truth).⁸³ He had also translated articles from *Inspire*, a magazine linked to al-Qaeda.

78 “Intellectual Property Rights Protection on the Internet in France: the end of HADOPI?” London School of Economics and Political Science, January 29, 2014, accessed March 17, 2014 <http://blogs.lse.ac.uk/mediapolicyproject/2014/01/29/intellectual-property-rights-protection-on-the-internet-in-france-the-end-of-hadopi/>.

79 “The CSA would regulate Internet later than expected,” Jamal Henni, December 19 2014, accessed March 17, 2014 <http://www.bfmtv.com/economie/csa-regulerait-internet-plus-tard-prevu-668762.html>.

80 Xavier Berne, “DCRI and Paris court against Bloutouff” (translated), April 2013, accessed August 28, 2014, <http://www.nextinpact.com/news/79274-la-dcri-desavouee-par-justice-face-a-bloutouff.htm>.

81 See <http://www.urgence-notre-police-assassine.fr/>.

82 Le Figaro, May 2014, Accessed August 29, 2014, <http://www.lefigaro.fr/actualite-france/2014/05/28/01016-20140528ARTFIG00336-diffamation-de-la-police-la-soeur-d-un-homme-tue-lors-d-une-intervention-relaxee.php>.

83 Frédéric SAYS, “a Cyber-Jihadist condemned” (translated), March 2014, accessed August 29 2014, <http://www.franceculture.fr/2014-03-05-cyber-jihad-romain-letellier-alias-abou-siyad-condamne-a-un-an-de-prison-ferme#xtor=EPR-32280591>.

The Law on Guidelines and Programming for the Performance of Internal Security (LOPPSI 2),⁸⁴ adopted in 2011, relates primarily to cybersecurity and the fight against child pornography.⁸⁵ In the two years that it was debated, online activists highlighted concerns that by allowing administrative agencies to demand ISPs to filter content without a court order, the government would open the door to administrative filtering of other more legitimate sites without judicial approval.⁸⁶ In July 2012, Fleur Pellerin, Minister for the Digital Economy, announced that Article 4 relating to the administrative filtering of child pornography would not be implemented without a court order.⁸⁷ Article 23 grants the police with the authority to install malware—such as keyloggers and Trojan horses—on a suspect’s computer in the course of counterterrorism investigations, though authorization must come from a court order.⁸⁸

This law does not generally interfere with the right to anonymous communication for online users, although individuals are required to register their real names when purchasing new SIM cards or using cybercafes. In 2010, a law was briefly floated to require anyone who edits “a non-professional communication service online” to register their name, location, and phone number as part of a push to apply existing press regulations on to the blogosphere.⁸⁹ However, numerous online advocates condemned the proposal in an online petition and the law was never enacted.

A number of concerns have been raised in the last year on the subject of electronic surveillance, particularly in light of revelations made by Edward Snowden on worldwide intelligence-gathering activities. While French officials and the French public initially expressed outrage at claims of mass surveillance of its citizens by America’s National Security Agency (NSA),⁹⁰ subsequent leaks revealed that France has developed its own capabilities to tap into fiber-optic cables, allowing for the mass monitoring of internet and phone activities.⁹¹

In June 2013, French daily newspaper *Le Monde* revealed the alleged existence of an extralegal surveillance program operated by the Directorate-General for External Security (DGSE),⁹² a French foreign intelligence agency.⁹³ The DGSE maintains the capacity to intercept communications

84 Loi d’orientation et de programmation pour la performance de la sécurité intérieure.

85 Corentin Chauvel, “the debate on LOPPSI 2” (translated), 20 Minutes.fr, January 7 2011, Accessed March 17 2014, <http://www.20minutes.fr/societe/649278-societe-loppsi-2-retour-points-contestes>.

86 LOPPSI law project, Accessed March 17, 2014, <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000023707312&fastPos=1&fastReqId=1447818568&categorieLien=id&oldAction=rechTextel>.

87 Numerama, “LOPPSI Article 4 decree finally abandoned”, July 25, 2012, Accessed March 17, 2014, <http://www.numerama.com/magazine/23260-loppsi-le-decret-sur-le-blocage-des-sites-sans-juge-est-abandonne.html>.

88 Emilien Ercolani, “LOPPSI: Who could install spywares?” (translated), L’informaticien, November 7 2011, Accessed March 17 2014, <http://www.linformaticien.com/actualites/id/22101/loppsi-qui-pourra-installer-les-mouchards-informatiques-la-liste-publiee-au-jo.aspx>.

89 Draft Proposal “facilitate the identification of bloggers” (translated), Senat.fr, May 3, 2010, Accessed April 19 2013, <http://www.senat.fr/leg/pp109-423.html>, Xavier Ternisien, *Le Monde*, “Could we Outlaw Anonymous Bloggers?”, May 27 2010, Accessed April 19 2013, http://www.lemonde.fr/technologies/article/2010/05/27/un-blogueur-doit-il-rester-anonyme_1363856_651865.html.

90 “Anger in France over claims that NSA spied on politicians , business leaders as well as terrorists,” Rory Mulholland, October 21, 2013, accessed March 17, 2014, <http://www.telegraph.co.uk/news/worldnews/europe/france/10394839/Anger-in-France-over-claims-that-NSA-spied-on-politicians-business-leaders-as-well-as-terrorists.html>.

91 “Germany, France and Spain ‘were all spying on citizens’,” Tom Whitehead, November 1, 2013, accessed March 17, 2014, <http://www.telegraph.co.uk/technology/10421835/Germany-France-and-Spain-were-all-spying-on-citizens.html>

92 Direction Générale de la Sécurité Extérieure, <http://www.defense.gouv.fr/english/dgse>.

93 “France ‘has vast data surveillance’ – Le Monde report,” BBC News, July 4, 2013, <http://www.bbc.co.uk/news/world-europe-23178284>.

between France and external countries in a plan that was ostensibly designed for counterterrorism purposes. In early July, additional reports surfaced from *Le Monde* indicating that metadata from telephone and computer activity—even within France—was systematically collected and stored at the DGSE facility in central Paris.⁹⁴ This runs counter to existing French law, which only allows for counterterrorism agents within the Central Directorate of Interior Intelligence (DCRI)⁹⁵ to request metadata related to a user’s telephone and internet activities.⁹⁶ These limited requests must also be reviewed by the National Commission of Control for Security Interceptions (CNCIS), an independent administrative authority.⁹⁷ In the case of the DGSE program, by contrast, seven different government agencies have access to this large body of user data without any legal basis or judicial oversight. Furthermore, the mandates and scope of operations of some of these agencies are also not strictly limited to counterterrorism.⁹⁸

Leaked documents have also revealed that French agencies cooperate with their foreign counterparts, including the NSA and the UK’s Government Communications Headquarters (GCHQ).⁹⁹ The head of the NSA denied reports that the US monitored millions of phone calls and texts in France during the period of December 2012 to January 2013, instead saying that France’s own intelligence agencies carried out the collection of phone records and shared that data with the NSA.¹⁰⁰ Indeed, Bernard Squarcini, head of the DCRI intelligence service until last year, said that he was surprised by the shocked reactions of French officials at the time, stating that this type of spying was standard practice for all countries, including France.¹⁰¹

In early December 2013, new regulations on electronic surveillance were passed as part of a routine military spending bill (the Military Programming Law, or LPM). Critics fear that Article 20 of the LPM would significantly expand electronic surveillance of French residents and businesses, including the ability to gain access to or record phone conversations, emails, internet activity, personal location data, and other electronic communication data. The powers relate to the DCRI, three intelligence agencies under the Ministry of Defense, as well as anti-money laundering and customs agencies. The government argues that the law, which will not go into effect until 2015, is actually a new and

94 Edward Moyer, “Eye on surveillance: France’s PRISM, EU’s concerns,” CNET, July 4, 2013, http://news.cnet.com/8301-13578_3-57592372-38/eye-on-surveillance-frances-prism-eus-concerns/.

95 Direction centrale du renseignement intérieur, <http://www.police-nationale.interieur.gouv.fr/Organisation/Direction-Centrale-du-Renseignement-Interieur>.

96 Laurent Borredon and Jacques Follorou, “En France, la DGSE au Coeur d’un programme de surveillance d’Internet [In France, the DGSE at the heart of a program for internet surveillance],” *Le Monde.fr*, June 11, 2013, http://www.lemonde.fr/international/article/2013/06/11/en-france-la-dgse-est-au-c-ur-d-un-vaste-programme-de-surveillance-d-internet_3427837_3210.html.

97 Commission nationale de contrôle des interceptions de sécurité. http://lannuaire.service-public.fr/services_nationaux/autorite-administrative-independante_172128.html.

98 “Comment la France intercepte les communications [How France intercepts communications],” *Le Monde.fr*, July 4, 2013, http://www.lemonde.fr/societe/infographie/2013/07/04/comment-la-dgse-collecte-et-stocke-l-ensemble-des-communications-electromagnetiques_3441931_3224.html.

99 “GCHQ and European Spy Agencies worked together on mass surveillance,” Julian Borger, November 1, 2013, accessed March 17, 2014 <http://www.theguardian.com/uk-news/2013/nov/01/gchq-europe-spy-agencies-mass-surveillance-snowden>.

100 “NSA spy row: France and Spain ‘shared phone data’ with US,” Raf Sanchez, October 29, 2013, accessed March 17, 2014, <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/10413260/NSA-spy-row-France-and-Spain-shared-phone-data-with-US.html>.

101 “Paris also snoops on US, says French former spy boss,” *France24*, October 26, 2013, accessed March 17, 2014 <http://www.france24.com/en/20131024-nsa-france-spying-squarcini-dcri-hollande-ayrault-merkel-usa-obama/>.

improved form of regulating surveillance powers that have been in place for years.¹⁰² However, the law does not provide a mechanism for judicial oversight and allows electronic surveillance for an overly-broad range of purposes, including “national security,” the protection of France’s “scientific and economical potential,” and the prevention of “terrorism” or “criminality.” Although officials claim that parliament, as well as the CNCIS, will oversee the spying, agencies have until 48 hours after monitoring has begun to seek approval from the CNCIS president and can continue their surveillance while awaiting his decision.¹⁰³ Critics have pointed out that the CNCIS lacks the appropriate control mechanisms and independence from political interference, given that the CNCIS is composed of only three politicians.¹⁰⁴

Reporters Without Borders also lamented that Article 20 of the LPM was drafted with little input from local stakeholders, such as the National Digital Council (CNN) or the National Commission on Information Technology and Freedoms (CNIL). They pointed out that this “dereliction of the government’s democratic obligations” came just days after the international community strengthened its commitment to stopping this kind of “snooping” in the form of a UN General Assembly resolution on “The right to privacy in the digital age,” adopted on November 20, 2013.¹⁰⁵

Others are concerned that the bill is not only a danger to citizens’ rights, but that it will also hurt business. Service providers fear that customers will increasingly doubt that their data is private and secure.¹⁰⁶ Technology firms belonging to the Association of Internet Services Communities, including Google, Microsoft, Facebook, Skype and AOL, have criticized the scale of the proposed surveillance.¹⁰⁷

Although the LPM was passed by the Senate, a dissenting quorum of 60 deputies and senators can call on the Constitutional Council to examine the text’s conformity with the constitution. To try to regain public faith, it has been suggested that the French government support a review of the bill by the court, as well as by the CNIL.¹⁰⁸

On April 30, 2014, a decree from the Interior Ministry replaced the DCRI with the newly-established General Directorate for Interior Security, known by its French acronym DGSI.¹⁰⁹ Under its mandate,

102 “France broadens its surveillance power,” Scott Sayare, New York Times, December 14, 2013, accessed March 17, 2014, <http://www.nytimes.com/2013/12/15/world/europe/france-broadens-its-surveillance-power.html?partner=rss&emc=rss&r=3&>.

103 “French officials can monitor Internet users in real time under new law,” Kim Willsher, The Guardian, December 11, 2013, accessed March 17, 2014, <http://www.theguardian.com/world/2013/dec/11/french-officials-internet-users-real-time-law>.

104 Guillaume Champeau, “La DGSI investi du pouvoir de surveiller les communications sur internet,” (The DGSI granted surveillance powers over the internet), Numerama, May 2, 2014, <http://www.numerama.com/magazine/29260-la-dgsi-investie-du-pouvoir-de-surveiller-les-communications-sur-internet.html>.

105 “Alarm over massive spying provisions in new military programming law,” Reporters Without Borders, December 12, 2013, accessed March 17, 2014, <http://en.rsf.org/alarm-over-massive-spying-12-12-2013,45606.html>

106 Andréa Fradin, “LPM is dangerous” (translated), December 2013, accessed August 2014, <http://www.slate.fr/story/81011/loi-programmation-militaire-danger>

107 Frédéric Bergé, “LPM Law adopted » (translated), December 2014, Accessed August 29, 2014 <http://www.01net.com/editorial/610068/loi-lpm-le-parlement-enterine-la-surveillance-renforcee-de-linternet/>.

108 “Domestic Spying, French Style,” New York Times, December 13, 2013, accessed March 17, 2014, <http://www.nytimes.com/2013/12/14/opinion/domestic-spying-french-style.html>.

109 Philippe Euzen, “What will change at Interior Intelligence with the DGSI” (Translated), Le Monde, May 12, 2014, http://www.lemonde.fr/societe/article/2014/05/12/le-renseignement-interieur-se-reorganise-face-aux-filieres-djihadistes_4415243_3224.html. Also see Décret no. 2014-445 du 30 avril 2014.

the expanded agency engages in surveillance on French territory on matters related to national security or fundamental national interests.¹¹⁰

The French telecommunications company Orange was hit with two massive cyberattacks over the past year, occurring in February and May 2014. Hackers acquired the personal details of 800,000 and then 1.3 million customers, respectively. No financial details were reportedly gained.¹¹¹

110 According to Numerama.com, this includes matters related to foreign interference, terrorism, territorial integrity, radical groups, secrets related to national defense or the economic, industrial, or scientific potential of the country, international criminal organizations, and ICT crimes.

111 Daniel Thomas, "Cyber attack breaches Orange database," Financial Times, May 7, 2014, <http://www.ft.com/intl/cms/s/0/042ee31c-d5f4-11e3-a017-00144feabdc0.html#axzz3Amp3svCi>.