

COUNTRY: UNITED KINGDOM

SCORE: 76.94 | RANK: 7/24

The United Kingdom has a comprehensive set of cyberlaws in place. Data protection laws are particularly strong, with regular enforcement including large fines. However, businesses are required to register their data sets with the regulator, which seems to be an unnecessary burden on business and may act as a barrier to some cloud services.

The UK is free from Internet censorship and filtering, and up-to-date laws are in place for e-commerce and electronic signatures.

The UK is a signatory to the Convention on Cybercrime but has been criticized for not yet implementing one of its key provisions.

Advanced intellectual property laws are in place and are regularly enforced, although there is still a gap in relation to the exact role of ISPs in copyright enforcement.

The UK already has high rates of Internet use and broadband penetration, and it plans to increase the availability of super-fast broadband to 90% of the population by 2015.

Overall, the United Kingdom's results do not change significantly in the 2013 Scorecard, but the country's ranking slips slightly from a tie for 6th place to 7th.

Q UNITED KINGDOM	RESPONSE	EXPLANATORY TEXT
DATA PRIVACY		
1. Are there laws or regulations governing the collection, use, or other processing of personal information?	✓	The Data Protection Act 1998 (DPA) is a comprehensive privacy law for the public and private sectors. It has been updated several times, including the introduction of stronger sanctions and fines in April 2010.
2. What is the scope and coverage of privacy law?	Comprehensive	The legislation is comprehensive and covers all sectors.
3. Is the privacy law compatible with the Privacy Principles in the EU Data Protection Directive?	✓	The DPA implements the EU Directive.
4. Is the privacy law compatible with the Privacy Principles in the APEC Privacy Framework?	✓	The DPA meets or exceeds the APEC Privacy Principles.
5. Is an independent private right of action available for breaches of data privacy?	Available	Article 8 of the Human Rights Act 1998 provides a right to respect for private and family life, home and correspondence. Actions under this provision are rare, although it is sometimes used in actions related to privacy breaches by the media.
6. Is there an effective agency (or regulator) tasked with the enforcement of privacy laws?	National regulator	The Information Commissioner's Office (ICO) < www.ico.gov.uk > is the UK's independent public authority responsible for data protection in England, Scotland, Wales, and Northern Ireland.
7. What is the nature of the privacy regulator?	Sole commissioner	The information commissioner is appointed by the Queen, has independent status and reports directly to Parliament.
8. Are data controllers free from registration requirements?	✗	Data controllers must register with the ICO to notify their intention to process personal data before they begin. Fees and an annual renewal requirement apply. There are a small number of exemptions to the registration requirement.
9. Are cross-border transfers free from registration requirements?	✓	There are no additional registration requirements for offshore transfers, although the core registration requirements for all data collection still apply. The DPA allows data to be transferred to non-EU countries, subject to a range of conditions (such as consent and contract). One measure that is unusual in European legislation is that data can be transferred based on an internal risk assessment by the organization.
10. Is there a breach notification law?	●	There is no specific requirement to inform consumers about a data breach. However, the ICO has advised organizations that they should inform the ICO of any "serious" breaches, and these types of notifications occur regularly in the UK.

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SECURITY		
1. Is there a law or regulation that gives electronic signatures clear legal weight?	✓	The Electronic Communications Act 2000 creates a legal framework for electronic commerce and the use of electronic signatures both in the private and public sectors. The law is completed by the Electronic Signatures Regulations 2002, which implements the European Directive 1999/93/EC on a community framework for electronic signatures.
2. Are ISPs and content service providers free from mandatory filtering or censoring?	✓	There is no mandatory or general filtering or censorship of content in the UK. However, the majority of ISPs voluntarily filter content against a list of child pornography sites maintained by the Internet Watch Foundation <www.iwf.org.uk>.
3. Are there laws or enforceable codes containing general security requirements for digital data hosting and cloud service providers?	Limited coverage in legislation	The DPA requires organizations to ensure that personal data are protected against theft, unauthorized access, or accidental loss. The law does not prescribe the implementation of any specific security measures; it simply requires "appropriate" technical and organizational security measures.
4. Are there laws or enforceable codes containing specific security audit requirements for digital data hosting and cloud service providers?	Limited coverage in legislation	There are no enforceable security audit requirements in the UK, except for the financial services sector. However, the ICO strongly recommends the use of security audits and has its own powers to mandate security audits in some circumstances.
5. Are there security laws and regulations requiring specific certifications for technology products?	Comprehensive requirements (including common criteria)	The UK is a Certificate Producing Member of the Common Criteria Recognition Arrangement (CCRA) <www.commoncriteriaportal.org>. However, the UK has also adopted faster and more flexible approaches to security certification for its own market through the Communications-Electronics Security Group (CESG) <www.cesg.gov.uk>, including a simplified trust mark scheme known as the Commercial Product Assurance (CPA) <www.cesg.gov.uk/servicecatalogue/CPA/Pages/CPA.aspx >.
CYBERCRIME		
1. Are cybercrime laws in place?	✓	The Computer Misuse Act 1990 and the Fraud Act 2006 provide the key coverage of cybercrime offenses.
2. Are cybercrime laws consistent with the Budapest Convention on Cybercrime?	⦿	UK law is largely compatible with the Convention on Cybercrime. However, the Council of Europe has noted that the UK has not yet implemented laws relating to misuse of devices, as required by Article 6 of the Convention.
3. What access do law enforcement authorities have to encrypted data held or transmitted by data hosting providers, carriers, or other service providers?	Unlimited access	Under the Regulation of Investigatory Powers Act 2000, failing to disclose an encryption key to police can be an offense in some circumstances there has been at least one prosecution under this provision to date. A warrant is not always required.
4. How does the law deal with extraterritorial offenses?	Comprehensive coverage	Criminal law in the UK requires a "significant link" with the UK before it applies. This may include the actions of a UK resident or the use of computer equipment hosted in the UK. As a signatory to the Cybercrime Convention, the UK will cooperate with law enforcement agencies in other jurisdictions, in accordance with Convention provisions.
INTELLECTUAL PROPERTY RIGHTS		
1. Is the country a member of the TRIPS Agreement?	✓	The United Kingdom became a member of the TRIPS Agreement in 1995.
2. Have IP laws been enacted to implement TRIPS?	✓	The United Kingdom has implemented the TRIPS Agreement in local laws.
3. Is the country party to the WIPO Copyright Treaty?	✓	The United Kingdom signed the WIPO Copyright Treaty in 1997 and ratified it in 2009. It entered into force in the United Kingdom in March 2010.
4. Have laws implementing the WIPO Copyright Treaty been enacted?	✓	A combination of the Copyright, Designs and Patents Act 1988 and the new Digital Economy Act 2010 implement the WIPO Copyright Treaty provisions in the UK. Further reform was expected after the 2011 release of the government's response to the Hargreaves Digital Opportunity Report — A Review of Intellectual Property and Growth <www.ipa.gov.uk/ipreview.htm>. However, there have been no major reforms to date.
5. Are civil sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet?	✓	Section 20 of the Copyright, Designs and Patents Act 1988 prohibits a person from "making available" copyrighted work without a licence. The High Court recently ruled that making available to the public by online transmission is committed only where the transmission takes place. See Football Dataco Ltd and others v. Sportradar GmbH & Sportradar AG [2010] EWHC 2911 (Ch). Civil and criminal sanctions are both available for "making available" copyright works online.

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6. Are criminal sanctions available for unauthorized making available (posting) of copyright holders' works on the Internet?	✓	Civil and criminal sanctions are both available for "making available" copyright works online.
7. Are there laws governing ISP liability for content that infringes copyright?	✓	The Digital Economy Act 2010 establishes a limited copyright liability regime for ISPs. The law does not come into force until an industry code of conduct is registered by the regulator (Ofcom) < www.ofcom.org.uk >. Once it is operating, the entire scheme is subject to a 12-month review.
8. Is there a basis for ISPs to be held liable for content that infringes copyright found on their sites or systems?	✓	Generally, ISPs are liable only for content of which they have direct knowledge. The leading case is Twentieth Century Fox Film Corp & Ors v. British Telecommunications Plc [2011] EWHC 1981 (Ch) (July 28, 2011) < www.bailii.org/ew/cases/EWHC/Ch/2011/1981.html >, in which the court ordered British Telecommunications to block access to a movie aggregation site.
9. What sanctions are available for ISP liability for copyright infringing content found on their site or system?	Civil and criminal	Civil sanctions including damages and injunctions are available. Criminal sanctions are available under Section 107(2A)(b) of the Copyright, Designs and Patents Act 1988, but they are rarely used.
10. Must ISPs take down content that infringes copyright, upon notification by the right holder?	●	Takedown requirements are currently left to decisions by the courts and individual ISPs. However, the Digital Economy Act 2010 contains provisions (Sections 17 and 18) that would allow the government to block access to Internet sites from which a "substantial amount of material" is being made available that infringes copyright, or a site that "facilitates" copyright infringement. These provisions are controversial and have been the subject of a series of government reviews. They have not been used to date, and the position in the UK is now influenced by the consultation on takedown procedures that has been initiated by the EU (this is expected to report in 2013). Refer to: < ec.europa.eu/internal_market/consultations/2012/clean-and-open-internet_en.htm > In the meantime, court action has resulted in several successful high-profile takedown and blocking requests.
11. Are ISPs required to inform subscribers upon receiving a notification that the subscriber is using the ISP's service to distribute content that infringes copyright?	●	ISPs are required, under the Digital Economy Act, to pass on "copyright infringement" notices to their consumers, where they have been identified (by their IP address) as breaching copyright. This regime is aimed at users and downloaders. These provisions are the subject of a current review and are not used in practice.
12. Is there clear legal protection against misappropriation of cloud computing services, including effective enforcement?	Comprehensive protection	The UK provides a strong combination of cybercrime laws, copyright protection, and privacy protection for cloud computing services.
SUPPORT FOR INDUSTRY-LED STANDARDS & INTERNATIONAL HARMONIZATION OF RULES		
1. Are there laws, regulations or policies that establish a standards-setting framework for interoperability and portability of data?	✓	A memorandum of understanding between the British Standards Institution (BSI) < www.bsigroup.com > and the United Kingdom government (2002) is the key regulatory document that manages standards process in the UK.
2. Is there a regulatory body responsible for standards development for the country?	✓	BSI has existed since 1901. The BSI has a memorandum of understanding with the UK government, which establishes the position of BSI as the recognized UK national standards body.
3. Are e-commerce laws in place?	✓	In the UK, e-commerce laws are scattered throughout numerous pieces of legislation and are also included in the common law on contracting. Some of the core provisions are contained in the Electronic Commerce (EC Directive) Regulations 2002, although these do not include provisions on electronic contracts or electronic signatures (which are dealt with in the common law interpretation of terms such as writing and signature). As a result of this ad hoc approach to e-commerce law, most new laws are accompanied by specific electronic commerce enabling provisions.
4. What international instruments are the e-commerce laws based on?	Other	The UK law is based on the EU E-Commerce Directive.
5. Is the downloading of applications or digital data from foreign cloud service providers free from tariff or other trade barriers?	✓	The information technology sector in the UK is free from tariffs and other trade barriers.

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6. Are international standards favored over domestic standards?	✓	The UK favors international standards over national standards, although the adoption of EU standards is common in many sectors.
7. Does the government participate in international standards-setting process?	✓	BSI represents the UK in international standards development processes and is an active participant in many ICT standards committees.
PROMOTING FREE TRADE		
1. Are any laws or policies in place that implement technology neutrality in government?	🕒	The UK is bound by the EU Directive on Public Procurement Law. Article 23 requires that: "technical specifications shall afford equal access for tenderers and not have the effect of creating unjustified obstacles to the opening up of public procurement to competition." However, the 2011 Cabinet Office Procurement Policy Note (PPN) Use of Open Standards when specifying ICT requirements establishes a strong preference for open standards < www.cabinetoffice.gov.uk/resource-library/procurement-policy-note-ppn-use-open-standards-when-specifying-ict-requirements >.
2. Are cloud computing services able to operate free from laws or policies that mandate the use of certain products (including, but not limited to, types of software), services, standards, or technologies?	✗	UK government departments must include open standards in their ICT procurement specifications unless there are clear business reasons that this is inappropriate. See the Cabinet Office Procurement Policy Note (PPN) on Use of Open Standards 2011 < www.cabinetoffice.gov.uk/resource-library/procurement-policy-note-ppn-use-open-standards-when-specifying-ict-requirements >.
3. Are cloud computing services able to operate free from laws or policies that establish preferences for certain products (including, but not limited to, types of software), services, standards, or technologies?	✗	UK government departments must include open standards in their ICT procurement specifications unless there are clear business reasons why this is inappropriate. See the PPN on Use of Open Standards 2011.
4. Are cloud computing services able to operate free from laws that discriminate based on the nationality of the vendor, developer, or service provider?	✓	There are no relevant domestic preferences in UK policy on ICT procurement. The United Kingdom is a member of the WTO plurilateral Agreement on Government Procurement
ICT READINESS, BROADBAND DEPLOYMENT		
1. Is there a national broadband plan?	<ul style="list-style-type: none"> By 2015, to bring "superfast broadband" to all parts of the UK and to provide everyone with at least 2 Mbps and superfast broadband to be available to 90% of people 	<p>In 2010 the UK government set out its broadband network vision in "Britain's Superfast Broadband Future" <www.culture.gov.uk/publications/7829.aspx>. A number of targets were set:</p> <ul style="list-style-type: none"> By 2015, all households have access to a minimum level of services of 2 Mbps Investment of 530 million GBP until 2015 to help deliver broadband in remote and rural areas. A "digital hub" to be made available in every remote and rural community, connected via fiber optic cable to the nearest telephone exchange Achieved by balancing competition and investment and deregulating infrastructure in less "market-appealing" areas <p>There has been some discussion on what "superfast broadband" means, especially in the context of the EU target below. Subject to clarification on this definition, the UK plan is one of the more ambitious in Europe. For example, Germany and Spain have set a Universal Service Obligation (USO) of 1 Mbps and France is lower at 0.5 Mbps.</p> <p>Note: The European Commission has set targets for all European households to have download speeds of at least 30 megabits per second (Mbps) by 2020, and by 2025 50% of households at 100 Mbps.</p>

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2. Are there laws or policies that regulate the establishment of different service levels for data transmission based on the nature of data transmitted?	Regulation under consideration by government and extensive public debate	<p>There is no specific net neutrality requirement, and general competition law applies.</p> <p>In 2012 several members of the Broadband Stakeholders Group <www.broadbanduk.org> signed on to a voluntary code of practice for ISPs and network operators on traffic management transparency for broadband services <http://www.broadbanduk.org/wp-content/uploads/2012/08/bsg-open-internet-code-of-practice-25-jul-2012.pdf>. This voluntary code precedes a program of formal monitoring and assessment that Ofcom has said it will pursue.</p> <p>The EU is actively considering options to manage net neutrality issues, including the 2012 public consultation on 'Specific aspects of transparency, traffic management and switching in an Open Internet' <ec.europa.eu/digital-agenda/en/line-public-consultation-specific-aspects-transparency-traffic-management-and-switching-open>. This may have an impact on the implementation of net neutrality principles in member countries.</p>
3. Base Indicators		
3.1. Population (2011)	62,417,431	<p>In 2011, the population of the United Kingdom increased by 0.7%.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p>
3.2. Urban Population (%) (2011)	80%	[United Nations, Department of Economic and Social Affairs, Population Division (2012). World Urbanization Prospects: The 2011 Revision, < esa.un.org/unup/CD-ROM/Urban-Rural-Population.htm >]
3.3. Number of Households (2011)	26,079,000	<p>In 2011, the number of households in the United Kingdom increased by 1.4%.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p>
3.4. Population Density (people per square km) (2010)	257	[World Bank, Data Catalog, Indicators, Population Density (2012) < data.worldbank.org/indicator/EN.POP.DNST >]
3.5. Per Capita GDP (US\$ 2011)	\$38,818	<p>In 2011, the per capita GDP for the United Kingdom increased by 0.7% to US\$38,818.</p> <p>[World Bank, Data Catalog, Indicators: GDP per capita, current US\$ (2012) <data.worldbank.org/indicator/NY.GDP.PCAP.CD> and GDP growth, annual % (2012) <data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG>]</p>
3.6. Public Cloud Services Market Value (2011) (Billions of US\$)	—	<p>The United Kingdom is not included in this Gartner forecast.</p> <p>[Gartner, Forecast Overview: Public Cloud Services, Worldwide, 2011-2016 (August 2012 Update) <www.gartner.com/id=2126916>]</p>
3.7. Personal Computers (% of households) (2011)	84%	<p>In 2011, 84% of households in the United Kingdom had personal computers. This is a 1.8% increase since 2010 and ranks the United Kingdom 18 out of 182 countries surveyed. The growth from 2010 is below the five-year compound annual growth rate (CAGR) from 2006-2011 of 3.4%.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) <www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx>]</p> <p>Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may update this indicator for prior years.</p>
4. ICT and Network Readiness Indicators		
4.1. ITU ICT Development Index (IDI) (2011) (Score is out of 10)	7.75	<p>The United Kingdom's ITU ICT Development Index (IDI) for 2011 is 7.75 (out of 10), resulting in a rank of 9 (out of 161 economies). The 2011 IDI for the United Kingdom has increased by 5.4%, and the IDI ranking has improved by five places from a rank of 14 since 2010.</p> <p>[International Telecommunication Union (ITU), Measuring the Information Society (2012) <www.itu.int/ITU-D/ict/publications/idi/2012>]</p> <p>Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and prior years.</p>
4.2. World Economic Forum Networked Readiness Index (NRI) (2012) (Score is out of 7)	5.39	<p>The United Kingdom has a Networked Readiness Index (NRI) score of 5.39 (out of 7), resulting in a rank of 10 (out of 142 economies) and a rank of 10 (out of 47) in the high income grouping of economies. The 2012 NRI for the United Kingdom has increased by 5.2% and improved from a rank of 15 since 2011.</p> <p>[World Economic Forum, Global Information Technology Report (2012) <www.networkedreadiness.com/gitr>]</p>

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4.3. International Connectivity Score (2011) (Score is out of 10)	7.06	The United Kingdom has a Connectivity Score of 7.06 (out of 10), resulting in a rank of 6 (out of 25) in the innovation-driven grouping of countries/economies. [Nokia Siemens, Connectivity Scorecard (2011) < www.connectivityscorecard.org >]
4.4. IT Industry Competitiveness Index (2011) (Score is out of 100)	68.10	The United Kingdom has an IT Industry Competitiveness Index Score of 68.1 (out of 100), resulting in a rank of 5 (out of 66 countries/economies included in the index). The 2011 index score is a 1.5% increase on the 2009 score. The United Kingdom has moved up the ranking by one place since 2009. [Business Software Alliance (BSA) / Economist Intelligence Unit (EIU), IT Industry Competitiveness Index (2011) < globalindex11.bsa.org >]
5. Internet Users and International Bandwidth		
5.1. Internet Users (2011)	51,182,293	[calculated from 8.3.1. and 8.5.2.]
5.2. Internet Users as % of Population (2011)	82%	In 2011, 82% of the population in the United Kingdom used the Internet, resulting in a ranking of 18 out of 199 countries surveyed. This is a 5.1% increase since 2010. The growth from 2010 is above the five-year CAGR from 2006 to 2011 of 3.6%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (December 2012) < www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx >] Note: There may be some variations as to how countries calculate this. Some countries base this upon all or part of the population, such as between 16 and 72 years of age. Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and for prior years.
5.3. International Internet Bandwidth (bits per second per Internet user) (2011)	166,073	The United Kingdom's International Internet Bandwidth (per Internet user) has increased by 15% since 2010. [International Telecommunication Union (ITU), Measuring the Information Society (2012) < www.itu.int/ITU-D/ict/publications/idi/2012 >]
5.4. International Internet Bandwidth (2011) (total gigabits per second [Gbps] per country)	8,500	The United Kingdom has increased its International Internet Bandwidth by 21% since 2010 to 8,500 Gbps and is ranked 2 out of 188 countries surveyed. The growth from 2010 is below the five-year CAGR from 2006 to 2011 of 42.2%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >]
6. Fixed Broadband		
6.1. Fixed Broadband Subscriptions (2011)	20,438,000	The United Kingdom has increased the number of fixed broadband subscribers by 7% since 2010, to 20,438,000, and is ranked 6 out of 182 countries surveyed. The growth from 2010 is below the five-year CAGR from 2006 to 2011 of 9.4%. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >] Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and prior years.
6.2. Fixed Broadband Subscriptions as % of Households (2011)	78%	[calculated from 8.3.3. and 8.6.1.] Note: This may be skewed by business usage in some countries (refer to OECD comments about this).
6.3. Fixed Broadband Subscriptions as % of Population (2011)	33%	The United Kingdom has increased its fixed broadband subscriptions (as a share of the population) by 6% since 2010, which is below the five-year CAGR from 2006 to 2011 of 8.8%. This ranks the United Kingdom 6 out of 187 countries surveyed. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (July 2011) < www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx >]
6.4. Fixed Broadband Subscriptions as % of Internet Users (2011)	40%	[calculated from 8.5.1 and 8.6.1]
7. Mobile Broadband		
7.1. Mobile Cellular Subscriptions (2011)	81,612,000	In 2011, the United Kingdom increased the number of mobile cellular subscriptions by 0.6% and is ranked 17 out of 195 countries surveyed. The number of subscriptions account for 131% of the population. [International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) < www.itu.int/ITU-D/ict/publications/world/world.html >] Note: This figure may be inflated due to multiple subscriptions per head of population but excludes dedicated mobile broadband devices (such as 3G data cards and tablets).

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7.2. Active Mobile Broadband Subscriptions per 100 inhabitants (2011)	53	<p>The United Kingdom has increased the number of active mobile broadband subscriptions (as a share of the population) by 22% since 2010. This ranks the United Kingdom 18 out of 144 countries surveyed.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p> <p>Note: This refers to the sum of standard mobile-broadband and dedicated mobile-broadband subscriptions to the public Internet. It covers actual subscribers, not potential subscribers, even though the latter may have broadband enabled-handsets.</p> <p>Note: In some jurisdictions this is an estimate and subsequent editions of the ITU ICT Indicators Database may adjust this indicator, both for 2011 and for prior years.</p>
7.3. Number of Active Mobile Broadband Subscriptions (2011)	32,804,000	<p>In 2011, the United Kingdom has increased the number of active mobile broadband subscriptions by 22% and is ranked 18 out of 145 countries surveyed.</p> <p>[International Telecommunication Union (ITU), World Telecommunication/ICT Indicators Database (Dec 2012) <www.itu.int/ITU-D/ict/publications/world/world.html>]</p>