

OPEN RIGHTS REPORT AND ACCOUNTS

YEAR ENDED 31 OCTOBER 2022



ABOUT ORG

Open Rights Group (ORG) is a UK based digital campaigning organisation working to protect fundamental rights to privacy and free speech online. With over 3,000 active supporters, we are a grassroots organisation with local groups across the UK.

Our work on data protection and privacy includes challenging the immigration exemption to UK data protection law, defending the General Data Protection Regulation (GDPR) from attempts to water down its provisions, and challenging uncontrolled and unlawful data sharing by online advertisers.

openrightsgroup.org

COMPANY INFORMATION 31 OCTOBER 2022

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REPORT OF THE BOARD OF DIRECTORS

The Directors of the company present their annual report for the year ending 31 October 2022.

The Directors would like to thank our members, supporters, donors, and grantors, who made our important work possible. The Directors would also like to thank our staff, volunteers, members of our local groups and Advisory Council for their hard work, support, tremendous knowledge and world-class expertise.

OUR OBJECTIVES, MISSION, AND ACTIVITIES

Open Rights Group is a UK-focused data and digital rights campaigning organisation. Founded in 2005, we have over 43,000 members and supporters and 13 local groups across the UK. For nearly two decades, ORG has been at the heart of the digital rights movement in the UK and an ally of activists and organisations across Europe.

Our vision

We envision a world where neither states nor corporations use digital technology to restrict or remove our rights. Our aim is to create a fair digital environment where technology supports justice, rights and freedoms to prevail over the narrow interests of the powerful.

Our mission

Our mission is to ensure that politicians, civil society and the general public are well informed and equipped to ensure that technology is directed to promote and protect human rights and social justice.

We advocate for human rights, such as free expression and privacy, and condemn and work against repressive laws or systems that deny people these rights.

Our unique perspective lies in the combination of technologists, policy experts, litigators, communication and campaign specialists both within our staff and across our network.

How we work

- We campaign, lobby, go to court – whatever it takes to build and support a movement of individuals and organisations committed to freedom in the digital age.
- We DEFINE emerging harms and abuses through our research and forensic investigations.
- We EQUIP civil society partners to address data and technology issues in their work through our network support and coordination.
- We MOBILISE our members and supporters across the UK through our grassroots and public campaigns.
- We PERSUADE allies and adversaries through our policy advocacy.
- We CONFRONT threats to our fundamental rights through our strategic litigation

Our values:

- We believe in human rights;
- Our work is based on evidence;
- We are accountable to our supporters and operate with integrity;
- We believe in the importance of empowered people defending digital rights.



INTRODUCTION

The past year was a tumultuous period for digital rights in the UK.¹ As well as political chaos² and uncertainty in Westminster,³ there was a raft of domestic legislation that threatens our democratic right to freedom of expression and privacy. We also saw the beginnings of a crisis within the surveillance capitalism model of social media, with Meta facing plunging share prices⁴ and Elon Musk's takeover of Twitter surging interest in alternative decentralized models such as Mastodon.⁵

We are proud that ORG remained at the heart of the civil society challenge to the UK government's flawed attempts to demonstrate the benefits of post-Brexit freedoms for digital policy.

While public attitudes⁶ and global policy trended towards stronger data protections,⁷ the UK government moved in the other direction. The government's data protection reform agenda (as outlined in the Data Protection and Digital Information Bill⁸) sets the country on a dangerous path to further economic instability and the erosion of fundamental rights, potentially threatening adequacy. The government also moved forward with its flawed attempts to address online harms, seeking to empower OFCOM⁹ (the UK's broadcasting, telecommunications and postal industries regulator) with unprecedented powers of censorship over the internet with the encryption breaking Online Safety Bill.

Encouragingly, we saw more civil society organisations at home and across Europe, as well as cross-party policymakers begin to recognise the threats posed and respond to ORG's calls for collective action.

As digitisation continues to permeate all sectors of society and data is established as the bedrock of public service delivery, ORG expanded our partnerships with a range of social justice movements to define, expose and challenge how new and emerging technology risks entrenching and further amplifying systemic racism and discrimination across UK society. Through our Migrant Digital Justice Programme and newly-established Pre-Crime, Data and Technology Programme we partnered with migrants' rights groups and civil society organisations working on racial justice and policing to adopt and sustain a focus on digital advocacy into their work.

Our legal work continued our challenge against the Immigration Exception to data protection safeguards such as subject access requests. While we had won this challenge, the UK government failed to implement the changes required by the court for statutory safeguards, meaning we were forced to contemplate a further round of legal action.

In January 2022, ORG launched a new three-year strategic plan. Through consultation with internal and external stakeholders, the plan has been designed to respond to a number of worrying trends within the UK's post-Brexit digital policy environment. Our new strategy incorporates three main areas of focus, addressing threats posed by big tech and platform power as well as state intrusion into rights online, whilst helping to build and equip a more diverse and inclusive movement for digital rights advocacy in the UK.

We are proud to present our annual report for 2021 – 2022. During this period, we laid the foundations for ORG to grow our team from six to thirteen members of staff. We expanded our work, secured new funding partnerships and further built our vibrant UK-wide movement of members, supporters and local groups. Our work has never been more important and none of it would have been possible without the generous support of our members, supporters, partners, funders, volunteers, staff and advisors. We are extremely grateful to everyone who continues to fight with us for human rights in the digital age.

1 <https://www.openrightsgroup.org/blog/internet-policy-is-broken/>

2 <https://www.gov.uk/government/speeches/prime-minister-boris-johnsons-statement-in-downing-street-7-july-2022>

3 <https://www.theguardian.com/politics/2022/oct/20/liz-truss-to-quit-as-prime-minister>

4 <https://www.theguardian.com/technology/2022/oct/26/meta-earnings-report-facebook-stocks>

5 <https://www.nytimes.com/2022/11/11/technology/elon-musk-twitter-takeover.html>

6 <https://www.adalovelaceinstitute.org/evidence-review/public-attitudes-data-regulation/>

7 <https://unctad.org/page/data-protection-and-privacy-legislation-worldwide>

8 <https://www.openrightsgroup.org/publications/policy-briefing-data-protection-and-digital-information-no-2-bill-second-reading/>

9 <https://www.ofcom.org.uk/home>



COMBATING BIG TECH AND PLATFORM POWER

Privacy and data protection

As our lives become more and more digitised, privacy and data protection are vital for protecting individuals from harmful or discriminatory uses of their data. ORG continued to fight to maintain strong data protection laws as a critical tool for civil society and the public to protect themselves and hold organisations to account within a data ecosystem where the power remains skewed towards governments and corporations.

Data Protection and Digital Information Bill

Following the conclusion of the “Data: a new direction” consultation process,¹⁰ the Government published a draft Data Protection and Digital Information Bill (DPDIB)¹¹ on 18 July 2022. In anticipation, ORG undertook research and consultation, policy and legal analysis¹² and public campaigning¹³ to evidence and strengthen understanding of the threats posed by UK government’s efforts to move away from the European human-rights based framework, the GDPR.¹⁴ This was

¹⁰ <https://www.gov.uk/government/consultations/data-a-new-direction/outcome/data-a-new-direction-government-response-to-consultation>

¹¹ <https://publications.parliament.uk/pa/bills/cbill/58-03/0143/220143.pdf>

¹² <https://www.openrightsgroup.org/publications/data-the-wrong-direction/>

¹³ <https://www.openrightsgroup.org/campaign/stop-data-discrimination/>

¹⁴ <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/>

supported by blogs,¹⁵ press releases,¹⁶ media commentary, explainer videos,¹⁷ events¹⁸ and policy briefings.¹⁹ Our analysis was heavily referenced in the Commons Library Research Briefing on the Bill.²⁰

ORG expanded and deepened partnerships with a broad, cross-sector coalition of civil society and social justice organisations around our ‘Stop Data Discrimination’ campaign.²¹ We briefed 40 civil society organisations through a combination of one-on-one meetings and five sector-specific roundtables. We ran consultation meetings with a group of 15 civil society organisations from three sectors (workers’ rights, health rights and challenging violence against women and girls) to define the impact of the data protection reform proposals on the rights of patients’ and communities made vulnerable by society.

This collaboration translated into collective action. The Department for Culture, Media and Sport (DCMS) had invited a select and limited number of interested parties to continue engagement with their department beyond the formal consultation period. In spite of that, DCMS turned down the offer to organise initial meetings with a wide range of civil society organisations, representing some of the groups that may be disproportionately impacted by any changes to data protection law. In response, ORG secured signatures from 33 civil society organisations on an open letter to the Secretary of State²² outlining

¹⁵ <https://www.openrightsgroup.org/blog/the-uk-data-reform-bill-and-the-british-bill-of-rights-a-tragedy-in-two-acts/>

¹⁶ <https://www.openrightsgroup.org/press-releases/open-rights-group-sound-red-alert-as-nadine-dorries-announces-bonfire-of-data-rights/>

¹⁷ <https://www.youtube.com/watch?v=JjHhYXBdkFY>

¹⁸ <https://www.youtube.com/watch?v=avi8Zlq47gE>

¹⁹ <https://www.openrightsgroup.org/publications/data-the-wrong-direction/>

²⁰ <https://researchbriefings.files.parliament.uk/documents/CBP-9606/CBP-9606.pdf>

²¹ <https://www.openrightsgroup.org/campaign/stop-data-discrimination/>

²² <https://www.openrightsgroup.org/publications/open-letter-to-the-dcms-10-june-2022/>

our concerns regarding the flawed, and potentially illegal consultation process.

Through our policy analysis and commentary, ORG positioned itself as one of the leading civil society voices on the government’s data protection reform process. Led by our policy team, we undertook in-depth legal and policy analysis to engage in ICO consultation processes around its regulatory framework²³ and participate in the new Information Commissioner’s series of consultation roundtables with civil society. We brought our concerns with respect to the future of data protection and the right to privacy into the Ministry of Justice’s consultation process around a proposed UK Bill of Rights.²⁴

AI regulation

ORG responded²⁵ to the DCMS consultation on their AI Policy Paper “Establishing a pro-innovation approach to regulating AI”.²⁶ We shared our views on how the government is right to capture the difficulty of regulating general-purpose technologies like Artificial Intelligence (AI). However, and as a matter of comparison, a purely sector-specific approach to digital regulation has already proven to be ineffective. Sector-specific privacy legislation in the United States produced a patchwork of incoherent frameworks that rapidly became obsolete, and failed to provide effective protection to personal data. Our response set out why the Government should be mindful of this lesson, and careful in designating “contexts” and writing rules with sufficient breadth to ensure they are adaptable and future-proof.

²³ <https://www.openrightsgroup.org/publications/org-response-to-the-ico-regulatory-action-policy-consultation/>

²⁴ <https://www.openrightsgroup.org/publications/open-rights-group-response-to-the-moj-human-rights-act-reform-a-modern-bill-of-rights/>

²⁵ <https://www.openrightsgroup.org/publications/open-rights-group-response-to-the-dcms-policy-paper-establishing-a-pro-innovation-approach-to-regulating-ai/>

²⁶ <https://www.gov.uk/government/publications/establishing-a-pro-innovation-approach-to-regulating-ai/establishing-a-pro-innovation-approach-to-regulating-ai-policy-statement>

Age assurance methods

In January 2022, ORG submitted a response²⁷ to the ICO consultation on methods of age assurance.

Although we recognise the need to protect children on the online space, and promote a responsible attitude amongst service providers, our submission drew attention to how age assurance methods will interact and interfere with other fundamental rights. In particular, issues arising with respect to privacy and data protection.

We argued that self-declaration or account confirmation should not be discarded in favour of other methods of age assurance, which could constitute a more serious interference with users' right to privacy. We also recommended that age assurance methods based on estimation should never be mandated or justified as they would expose users of all age to certain harm. Instead, high-risk scenarios should warrant reliance on age assistance methods based on verification, but service providers should be asked to lower the level of risk to fundamental rights arising from these activities.

AdTech

We progressed our fight against the widespread and systemic abuse of personal data by the advertising industry.

UK

On Friday 26 November 2021, the Upper Tribunal ruled (in *Killock and Veale & Ors v Information Commissioner (GI/113/2021)*)²⁸ on our challenge against the ICO's handling of a complaint concerning illegal data processing in the AdTech sector.²⁹ This follows a complaint filed in November 2020

²⁷ <https://www.openrightsgroup.org/publications/open-rights-group-submission-to-the-information-commissioners-office/>

²⁸ <https://www.gov.uk/administrative-appeals-tribunal-decisions/james-killock-and-michael-veale-v-ico-ew-v-ico-eveleen-coghlan-on-behalf-of-c-v-ico-2021-ukut-299-aac>

²⁹ <https://www.openrightsgroup.org/blog/our-adtech-challenge-what-we-won-what-we-lost-and-what-we-do-next/>

with the Information Tribunal challenging the ICO's 2018 decision to close Jim Killock (ORG Executive Director) and Michael Veale's³⁰ (Associate Professor at UCL) complaint against the Adtech industry body, the Internet Advertising Bureau (IAB) and Google.

Our case started in the General Regulatory Chamber, but was streamlined to a hearing before the Upper Tribunal because of the important legal issues it raised regarding the Tribunal's jurisdiction to rule on whether the ICO had addressed the issues raised in our complaint and thus had reached an 'outcome.' Disappointingly the Tribunal refused our core request, which was to require the ICO reopen the complaint. However, we won important concessions and admissions which will help shape the future accountability of the ICO and the rights of future complainants³¹:

- **The Tribunal accepted that the regime for holding the ICO to account is incoherent and in need of reform.**
- **It confirmed (against the ICO's arguments) that a complaint that both relates to individuals and systemic, industry-wide illegality is a 'real' complaint under the GDPR.**
- **For the first time, it confirmed that the Tribunal, not the Commissioner, decides what is an 'appropriate' step to respond to a complaint.**

The complaint originally filed in November 2020 attracted widespread media coverage and was widely supported by ORG members and supporters who donated £22,109 towards our public fundraiser.³² We are extremely grateful for their generous support.

³⁰ <https://www.ucl.ac.uk/laws/people/dr-michael-veale>

³¹ <https://www.gov.uk/administrative-appeals-tribunal-decisions/james-killock-and-michael-veale-v-ico-ew-v-ico-eveleen-coghlan-on-behalf-of-c-v-ico-2021-ukut-299-aac>

³² <https://action.openrightsgroup.org/help-us-protect-your-data-illegal-ads>

Europe

ORG together with the Civil Liberties Union for Europe³³ (Liberties) and the Panoptykon Foundation³⁴ continued to coordinate one of the largest cross-border complaints concerning online advertising in Europe, with 21 countries involved. Our strategy had been to empower members of Liberties' European network as well as civil liberties and consumer organisations to bring complaints concerning privacy abuses in Real Time Bidding (RTB) processing before their relevant regulatory bodies. By 2022, a total of 23 complaints had been filed before Data Protection Authorities (DPAs) across Europe, with complainants using templates created by ORG and our partners.

Complaints filed in Belgium, Luxembourg, Poland, the Netherlands and Ireland (with lead action taken by Dr Johnny Ryan³⁵) eventually reached a litigation phase in front of the Belgian DPA. In February 2022, in a significant verdict, the Belgian Data Protection Authority³⁶ found that the consent system developed and managed by the Adtech industry body IAB Europe, and used by many websites across Europe, is illegal under the GDPR.

The Belgian DPA decision is hugely significant, confirming that the Transparency and Consent Framework (TCF), a system which many believed to be manipulative and harmful, is incompatible with the GDPR. The decision was confirmed by 21 EU data protection authorities.

The Belgian DPA case, alongside the demise of the cookie-based tracking model, led ORG to refocus further litigation efforts on challenging the legality of post-third-party cookies tracking. As pressure for reform of the Adtech industry increases, we believed that it is vital to counter industry attempts to institute minor changes to keep conducting "business as usual."

³³ <https://www.liberties.eu/en>

³⁴ <https://en.panoptykon.org/>

³⁵ <https://www.iccl.ie/staff/dr-johnny-ryan/>

³⁶ <https://www.openrightsgroup.org/blog/a-day-of-reckoning-for-iab-and-adtech/>

ORG and partners undertook a two-phase investigation and evidence-gathering process to scope a series of complaints to challenge identity resolution services, which integrate consumer identifiers to create a persistent and addressable individual profile that takes a comprehensive and holistic view of a user's online activity. We have now compiled a vast body of publicly available information to support our complaints, and inform the work we have started to undertake with data subjects to further develop our legal arguments, hopefully leading to better enforcement against unlawful adtech practices.

Digital rights post-Brexit

Driven by concerns articulated by ORG and many of our partners, the UK data protection reform agenda gradually gained international attention.

Regulatory divergence in the UK and EU

In October 2022, we published a policy dossier³⁷ entitled, 'Digital Rights Post-Brexit- Regulatory Divergence in the UK and EU' in partnership with the Heinrich Böll Stiftung European Union office.³⁸

Through a combination of blog posts, policy briefings and video content,³⁹ the dossier considers threats and opportunities arising from regulatory divergence in three major areas of policy intervention – data protection, content policy and competition.

Our aim is to support policy makers in Europe and the UK to begin a discussion about the potential effects of EU-UK divergence, to consider where co-operation may still be needed, and, if this cannot be achieved, the best way to deal with the impacts they may face.

The dossier was well received externally and helped inform subsequent engagement

³⁷ <https://eu.boell.org/en/digital-rights-post-brexit>

³⁸ <https://eu.boell.org/en>

³⁹ <https://www.youtube.com/watch?v=efz4utzjji&t=57s>

with Members of the European Parliament (MEPs) around the Data Protection and Digital Information Bill through a series of meetings in London and Brussels in November 2022.

UK adequacy decision

Members of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament visited London from 2-4 November 2022 to meet with UK government representatives, civil society and other interest groups.

ORG participated in these meetings in order to brief members of the LIBE committee on the latest developments concerning the UK DPDI Bill. Although the Bill had been withdrawn from Parliament at that stage, we emphasised that a common thread runs through the reform process, starting from the National Data Strategy,⁴⁰ the Taskforce on Innovation, Growth and Regulatory Reform (TIGRR) report⁴¹ and the Data: a new direction consultation.⁴²

We argued that the government's data protection reform agenda would remove much of the foundational elements of the UK adequacy decision,⁴³ granted by the European Commission in June 2021. Although the UK government purports that adequacy will be "at the heart" of the new UK data protection framework,⁴⁴ facts do not corroborate their statements. Instead, the UK government seem to be pressing further ahead in their attempt to diverge from European laws, human rights and rule of law standards.

40 <https://www.openrightsgroup.org/publications/open-rights-group-consultation-response-to-the-national-data-strategy/>

41 <https://www.openrightsgroup.org/blog/stand-up-for-privacy/>

42 <https://www.openrightsgroup.org/blog/org-response-to-data-a-new-direction/>

43 https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3183

44 <https://techmonitor.ai/policy/geopolitics/data-protection-bill-uk-gdpr-replacement-brexit>

Digital trade post-Brexit

In October, the Wales Cross Party Group (CPG) on Digital Rights, of which ORG is the secretariat, held an online event discussing the EU and digital trade post-Brexit and in the wake of new legislation.⁴⁵ Participants at the event were asked to consider how easy it will be for trade between the EU and the UK when the UK is watering down the inherited General Data Protection Regulation enshrined within the Data Protection Act 2018 and the EU must maintain equivalency for trade to take place.

To answer that question, ORG staff broke down how incoming legislation will cause problems for the UK and EU's trade experience. Valentina Palace, a legal researcher from the Ada Lovelace Institute (ALI), also spoke about the missed opportunity of the new legislation to redress the power imbalance between data subjects and data controllers. Meanwhile, Ceri Williams from Wales Trade Union Congress (TUC) relayed the impact of reforms on workers' rights. The event was chaired by Sarah Murphy, Member of the Senedd (MS) who is also the founder of the CPG on Digital Rights.

Competition policy and platform power

Our work on competition policy and its centrality in holding platforms to account proved incredibly helpful background during the Twitter crisis. As Elon Musk made arbitrary decisions that undermined people's networks and the time they had invested building up influence and reach, we argued that competition policy and interoperability requirements should be harnessed to enable people to move out of Twitter with lower consequences. They could for instance keep posting to their Twitter networks, while moving their account elsewhere.

In the immediate term, many people have moved to using Mastodon and other federated social media. This in turn has led to commercial products such as Tumblr and

45 <https://www.openrightsgroup.org/blog/digital-trade-and-the-eu-post-brexit/>

Flickr to consider adding interoperability. In a blog post by our Executive Director, we argued that the policy case for interoperability is now much clearer.⁴⁶

ORG ran a series of tutorials for civil society and policymakers in order to challenge the platform power of walled gardens on social media. Over 200 people attended including groups such as 38 Degrees, MySociety, Howard League, Scottish Greens, Birmingham University, LSE, Linux Society, Young Women Trust, Living Wage Foundation, Action Aid, Scope, Young Minds, Arts Councils. The event was live streamed onto YouTube.⁴⁷

Data and democracy

In March 2022, ORG published new guidance⁴⁸ on representative actions under article 80(1) of the UK GDPR and Section 187 of the Data Protection Act 2018 (DPA). The aim is to help other organisations consider representative actions to challenge infringements of data protection laws, and draws upon our experience under the Data and Democracy project since 2020.

ORG attempted to commence representative action before the ICO as part of our data and democracy project, which dealt with illegal profiling for electoral purposes during the 2019 UK general election. The subject of our complaint was resolved without the need to litigate. Nevertheless, we believe that sharing our experience will help other organisations to get a head start. Our guidance therefore addresses fundamental questions including:

- **When and why should you consider representative action?**
- **What are the legal requirements?**
- **What are the risks involved?**
- **What lessons did we learn?**

46 <https://www.openrightsgroup.org/blog/twitter-crisis-what-we-need-to-do/>

47 <https://www.youtube.com/watch?v=xTTF2TfEHdY>

48 <https://www.openrightsgroup.org/publications/org-representative-actions-under-the-uk-gdpr/>

CHALLENGING STATE INTRUSION INTO RIGHTS ONLINE

ORG is working to challenge general monitoring and state censorship of online content, speech regulation and the chilling effects of government mass surveillance.

Protecting freedom of expression online

Online Safety Bill

The government continued to approach the issue of online harms through a focus on the content it wants to ban, with little attention paid to the impact on freedom of expression or privacy. Through a combination of policy advocacy, public campaigns and media comment, we argued that the lack of definition in the Online Safety Bill could lead to tech companies removing content at scale and the possibility of state-mandated surveillance of private communications. ORG's strategy forced many audiences to ask difficult questions about what the scope of this Bill requires.

In April 2022, we published a briefing⁴⁹ in advance of the second reading of the Bill. We argued that in seeking to make the online world 'safer,' the Bill relies largely on content removal and censorship – delivered via algorithms and AI - in order to deliver this goal. This creates new risks to personal security and safety by downgrading privacy.

Our submission to parliament⁵⁰ in June 2022 set out concerns about measures in the Bill to restrict online content using automated systems rooted in AI and algorithmic processing. In our submission we set out robust safeguards for users that the Bill could incorporate. This includes

49 <https://www.openrightsgroup.org/publications/online-safety-bill-second-reading-briefing>

50 <https://www.openrightsgroup.org/publications/submission-to-parliament-on-online-safety-bill/>



clear and precise definitions of the content to be restricted. We recommend ex ante and ex post procedural safeguards. Users should be notified with a factual justification, including evidence, explaining why their content is restricted. They should also have access to an effective appeals process, with the possibility for judicial redress and an effective remedy.

The Bill also gained additional features such as 'age-verification' and a crackdown on anonymous accounts. In response, ORG warned that this would mean people have to age-verify before using popular websites like Reddit, Google, or Twitter, which all carry content intended for adults.

We continued to show leadership in Parliamentary discussion and roundtables around the Bill. ORG policy staff participated in two roundtables with the Secretary of State and met with Ofcom following our submission to Ofcom's call for evidence on the Bill.⁵¹ We also regularly met with organisations including the Wikimedia Foundation, WhatsApp, Signal, Google, Twitter, LibDem DCMS Committee, Global Encryption coalition, and others.

In September 2022, we convened a roundtable for civil society organisations working on women's rights, racial justice

⁵¹ <https://www.ofcom.org.uk/consultations-and-statements/category-1/call-for-evidence-second-phase-of-online-safety-regulation>

and migrants' rights on the potential impact of the Bill on their work and the communities they support. The event was attended by representatives from 24 organisations. We believe dialogues such as this are critical to helping a wider range of critical perspectives to be voiced, including from those who are most likely to be directly and adversely impacted..

Our media outreach also continued at full speed, including comments and articles in The Times,⁵² BBC News and⁵³ Daily Mail,⁵⁴ and other high-profile outlets.

Blocked.org.uk

Mobile and broadband Internet Service Providers (ISPs) have created filters to stop under 18s from seeing harmful content online. Unfortunately, filters block many harmless websites by mistake – even sites that are aimed at children. Often website owners need to learn that this is happening.

Our Blocked.org.uk tool continued to help users find out if a website is blocked by their Internet service provider, by mobile content filters or by a court-ordered block. Our service also helped users file requests to get sites unblocked.

Several new volunteers were trained to review and classify recently created ISP reports by the Blocked.org.uk project. We also continued reaching out to European probe hosts for Netblocked.eu and succeeded in getting another probe back online.

⁵² <https://www.thetimes.co.uk/article/times-letters-implications-of-the-gray-report-for-the-pm-6q9tgwz6l>

⁵³ <https://www.bbc.co.uk/news/technology-62291328>

⁵⁴ <https://www.dailymail.co.uk/sciencetech/article-10870363/Digital-proof-age-app-used-UK-cinemas-just-lead-cheating-expert-warns.html>

Fighting the surveillance state

Encryption

January 2022 saw the launch of 'No Place to Hide,'⁵⁵ a Home Office-funded public campaign designed by M&C Saatchi to turn public opinion against end-to-end encryption (E2EE).⁵⁶

In response, ORG produced and disseminated our own public information campaign and educational content in collaboration with the Global Encryption Coalition⁵⁷ and many of its members. On launch day ORG published a press release outlining our concerns with respect to threats to E2EE,⁵⁸ which was promoted on our social media channels. We launched a campaign video⁵⁹ explaining the public interest value of E2EE, which was viewed over 10,900 in its first 24 hours following release and shared by partners including EDRi, Who Targets Me and Cory Doctorow. It has since been viewed over 22,100 times across our social media channels.

We engaged a variety of media outlets, with our Executive Director being featured in coverage by the BBC News,⁶⁰ Digit,⁶¹ Computing.co.uk⁶² and the Independent.⁶³ Our Executive Director was also interviewed for a main segment on the BBC News at Six.

ORG also collaborated with 89UP to promote social media messaging explaining the importance of E2EE to a public audience. This included using a poster series created

⁵⁵ <https://noplacetohide.org.uk/>

⁵⁶ <https://www.rollingstone.com/culture/culture-news/revealed-uk-government-publicity-blitz-to-undermine-privacy-encryption-1285453/>

⁵⁷ <https://www.globalencryption.org/>

⁵⁸ <https://www.openrightsgroup.org/press-releases/experts-hit-out-at-the-uk-home-offices-scaremongering-anti-encryption-campaign/>

⁵⁹ <https://twitter.com/OpenRightsGroup/status/1483471228895731719?cxt=HHwWjoC9jaLorJYpAAAA>

⁶⁰ <https://www.bbc.co.uk/news/59964656>

⁶¹ <https://www.bbc.co.uk/news/59964656>

⁶² <https://www.computing.co.uk/news/4043375/uk-government-launch-astroturf-campaign-end-end-encryption>

⁶³ <https://www.independent.co.uk/tech/encryption-government-campaign-home-office-b1995605.html>

by members of the public as part of our #OneMinuteBrief campaign with 89UP as part of the visual identity for this work. The posters focused on the public importance of encryption as an educational tool. We also ran a petition in support of encryption, which attracted over 2,200 signatories.

On 21 January, Stephen Bonner, the ICO's Executive Director for Innovation and Technology publicly rejected⁶⁴ the central tenant of the 'No Place to Hide' campaign and in his statement reflected the importance of E2EE to fundamental rights and online safety.

UK Safer Internet Day

In advance of the UK Safer Internet Day on 8 February 2022, ORG and leading security and technology experts around the world released an open letter accusing the UK Home Office of misleading the public with a "scaremongering" campaign against end-to-end encryption, the technology that keeps messaging services such as WhatsApp and Signal private. The letter was co-signed by 57 experts and Global Encryption Coalition (GEC) members, including the UK chapter of the Internet Society.

A letter from our Executive Director - Waging War on Encryption Makes Online Users Unsafe - was subsequently published in the Financial Times. ORG was also one of 45 signatories to an Open Letter coordinated by the GEC expressing concerns with the threat that the Online Safety Bill poses to E2EE.

Keeping Surveillance out of new green technology

ORG moved quickly to challenge Sadiq Khan's plans to use London's Ultra Low Emissions Zone (ULEZ) to expand police surveillance powers via Automatic Number Plate Recognition technology (ANPR). This move is the latest in a worrying trend of green tech being used as a trojan horse for expanding mass surveillance of law-abiding citizens. Following a successful crowdfunding campaign, we launched legal proceedings in partnership with Greater London Assembly Member, Siân Berry.

We wrote to the Mayor to call on him to stop the handing over of people's personal data to the Met Police. We argued that new green technology should not be exploited as a tool for more mass surveillance. Our legal challenges received widespread coverage including Sky News,⁶⁵ The Guardian⁶⁶ and on TalkTV.⁶⁷



DIGITAL THREATS AGAINST COMMUNITIES MADE VULNERABLE BY SOCIETY

Migrant Digital Justice Programme

Since 2020, ORG has worked to understand the needs and capacities of civil society organisations working in the field of migrants' rights and to support them to incorporate digital advocacy into their work. This work to expose and challenge the digitisation of the UK government's hostile environment policy was brought under a new umbrella, the Migrant Digital Justice Programme, in early 2022.

Migrant Digital Justice Toolkit

In April 2022, we launched the first phase of our Migrant Digital Justice Toolkit,⁶⁸ an online best practice hub for migrants' rights groups looking to challenge the impact of new and emerging technologies in the digital hostile environment. It included case-study interviews with JCWI⁶⁹ and the3million,⁷⁰ which focused on their work to challenge data exploitation practices and the challenges of making these issues accessible to a broad public audience.

Following its launch, ORG ran a workshop on the toolkit for migrants' rights groups as part of Solidarity Knows No Borders' week of action to end the UK's hostile environment.⁷¹ Representatives from 26 civil society organisations attended the event.

⁶⁵ <https://news.sky.com/story/sadiq-khan-issued-with-legal-challenge-after-terrifying-number-plate-camera-decision-12664374>

⁶⁶ <https://www.theguardian.com/uk-news/2022/aug/03/sadiq-khan-faces-legal-challenge-over-traffic-camera-surveillance>

⁶⁷ <https://twitter.com/TalkTV/status/1555110176079872005?s=20&t=stZt25pySaMTIuBPAlvqQ>

⁶⁴ <https://www.theguardian.com/technology/2022/jan/21/end-to-end-encryption-protects-children-says-uk-information-watchdog>

⁶⁸ <https://www.migranttoolkit.uk/>

⁶⁹ <https://www.migranttoolkit.uk/zoe-gardners-transcript-and-interview-jcwi/>

⁷⁰ <https://www.migranttoolkit.uk/luke-piper-3-million-interview/>

⁷¹ <https://firmcharter.org.uk/#top-menu>

Immigration exemption

In June 2021, the “immigration exemption” in the Data Protection Act 2018, was ruled unlawful⁷² by the Court of Appeal following a challenge brought by ORG and the3million. The government subsequently failed to successfully implement the Court’s judgment, and we applied for a second judicial review of the policy.⁷³ On 15 June 2022, the Court of Appeal granted permission to proceed to a full hearing.⁷⁴

Digital device extraction

ORG joined with Privacy International, BID, the3Million, CARAS, RAMFEL and Fair Trials to write to the UK Forensic Science Regulator regarding the lack of quality standards and transparency around digital device extractions for immigration enforcement. We argued for a review of digital forensic activities by immigration officers. ORG subsequently filed a response⁷⁵ to the government consultation on the draft code of practice around police extraction powers for electronic devices in the Police, Crime, Sentencing and Courts Act. We noted that the proposed Police Extraction Powers Code coincides with a raft of changes to UK data protection law, which are cited as key safeguards.

⁷² <https://www.openrightsgroup.org/campaign/immigration-exemption-campaign-page/>

⁷³ <https://the3million.org.uk/node/1100851404>

⁷⁴ <https://www.openrightsgroup.org/press-releases/legal-challenge-of-the-immigration-exemption/>

⁷⁵ <https://www.openrightsgroup.org/publications/consultation-response-police-extraction-powers-code/>

Homes for Ukraine

ORG scoped the extent to which Meta/Facebook groups were used to facilitate the Homes for Ukraine sponsorship scheme, and the risks posed to extremely vulnerable refugees. ORG, together with migrants’ rights partners wrote to the Secretary of State for Levelling Up, Housing and Communities (DLUHC) in April 2022⁷⁶ to express our concerns regarding the data sharing practices involved in the Homes for Ukraine scheme.

ORG subsequently worked with Leigh Day and Stephen Timms MP (Chair of the APPG on Immigration Law and Policy) to submit a written question to the Secretary of State for the DLUHC asking if his department had carried out a Data Protection Impact Assessment to identify and minimise data protection risks to applicants to the Homes for Ukraine scheme. Based on the response received, we were able to ascertain that no assessment was undertaken.

Challenge the Checks

Together with the Migrants’ Rights Network and Migrants at Work, we launched a major campaign⁷⁷ looking into how right to work checks form a key part of migrants’ experiences in the UK. ORG is leading research and technical investigation into the private-sector companies and third-party apps deployed within the scheme and to identify evidence of racial bias, discrimination and technical failures within the system.

⁷⁶ <https://www.openrightsgroup.org/press-releases/privacy-organisation-criticizes-government-over-failure-to-protect-the-safety-and-privacy-of-ukrainian-refugees/>

⁷⁷ <https://migrantsrights.org.uk/projects/challenge-the-checks/>



Pre-crime, data and technology

Towards the end of 2022, ORG launched a new pre-crime programme in response to worrying trends in how digital ‘innovations’ are being coupled with controversial common law principles to enable law enforcement to weaponise data collected by police agencies. Social media content and online personal data are being collected, shared and retained to make tenuous links to crimes. This raises risks that police and others assume guilt or a need to investigate on the basis of profiling for instance claiming susceptibility to violence. In other examples, such as the Manchester 10, social media data has been used to imply guilt through ‘joint enterprise’, leading to potentially problematic prosecutions.⁷⁸

In early 2022, our programme manager undertook extensive consultation with 12 civil society activists, groups and associations working on racial justice, over-policing and counter-terrorism practices. We sought to understand how individuals and communities made marginalised by society are impacted by the pre-crime agenda, what groups are

⁷⁸ <https://www.openrightsgroup.org/press-releases/end-racialised-surveillance/>

doing to resist, the challenges they face and why and how ORG can work in solidarity.

In response, we developed a ‘Sector Support’ methodology, detailing how ORG can share expertise on digital rights with civil society partners outside of the data rights bubble and in a way that acknowledges how surveillance and data exploitation have a disproportionate impact on over-policed communities through amplifying and further entrenching systemic forms of discrimination, racism and abuse across society.

Informed by extensive consultation with partners, we aligned on two initial areas of focus where we believe ORG can act in solidarity with individuals and groups, and bring added value to their work through sharing our expertise on digital rights. Firstly, data protection issues arising under the Prevent Duty and secondly, the impact of social media weaponisation on young people from over-surveilled communities.

GRASSROOTS COMMUNITY, MEMBERSHIP AND ACTIVISM

During the pandemic the activities of ORG's local groups had been highly restricted. We are pleased to say that fuelled by collective concerns around the Online Safety Bill and the DPDI Bill in particular, we saw renewed momentum among our members and supporters to pursue grassroots activism and campaigning.⁷⁹ New local groups were founded in Bournemouth and Poole,⁸⁰ and Manchester.⁸¹

In February, our Supporters Council met with ORG staff and local migrants' rights activists and associations based in their cities to explore the impact of the digitisation of the 'hostile environment policy' within their communities and opportunities for joint action.⁸² Representatives from each ORG local groups were introduced to activist organisations in their area, laying the foundation for future collaboration.

Over 500 ORG supporters and members wrote to their MP⁸³ with their concerns about the Online Safety Bill, and we launched our Online Safety Bill Campaign Hub as a one-stop shop for people wishing to learn more about the Bill and take political action around it.

We produced a 'Stop the Data Discrimination Bill' leaflet⁸⁴ that was used by groups to raise awareness of threats posed by the DPDI Bill amongst delegates at the major political party conferences. We also produced a film about this on YouTube and Facebook.⁸⁵

79 <https://www.openrightsgroup.org/events/>

80 <https://www.openrightsgroup.org/local-groups/>

81 <https://www.openrightsgroup.org/who-we-are/org-manchester/>

82 <https://www.openrightsgroup.org/blog/bridging-sectors-new-grassroots-alliances-for-migrant-digital-justice/>

83 <https://action.openrightsgroup.org/dont-scan-me-write-your-mp-help-stop-spy-clause>

84 <https://www.openrightsgroup.org/publications/stop-the-data-discrimination-bill-leaflet/>

85 <https://www.youtube.com/watch?v=iC5RdnCstH8&t=36s>

FINANCIAL STATEMENTS

31 October 2022



ACCOUNTANTS' REPORT TO THE DIRECTORS OF OPEN RIGHTS

You consider that the company is exempt from audit for the year ended 31 October 2022. You have acknowledged, on the balance sheet, your responsibilities for complying with the requirements of the Companies Act 2006 with respect to accounting records and the preparation of the accounts. These responsibilities include preparing accounts that give a true and fair view of the state of affairs of the company at the end of the financial year and its profit or loss for the financial year.

In accordance with your instructions, we have prepared the accounts which comprise the Profit and Loss Account, the Balance Sheet and the related notes from the accounting records of the company and on the basis of information and explanations you have given to us.

The accounting records and explanations provided appear to be reasonable, however we have not carried out an audit or any other review, and consequently we do not express any opinion on these accounts.

Urban Ledgers Limited
14 Thornhill Square
London
N1 1BQ

Date:

INCOME AND EXPENDITURE ACCOUNT

for the year ended 31 October 2022

	NOTES	2022 £	2021 £
INCOME			
Gifts and donations income		19,672	6,616
Business membership		15,973	4,365
Grants	6	421,435	327,679
Supporter donations		181,509	190,255
		638,588	528,916
EXPENDITURE			
Accounting and other professional fees		9,975	17,772
Associations and memberships		5,255	4,759
Bank charges		216	604
Contractors and specialists		1,650	6,000
Depreciation		4,079	1,914
Donation processing charges		9,855	10,601
Foreign exchange losses / (gains)		(3,523)	1,636
General campaigning		86,640	65,255
Grants made		2,925	6,248
Insurance		1,814	1,669
Office supplies		2,180	872
ORGCon and public event costs		(200)	680
Other expenditure		(3,479)	5,198
Postage and printing		543	1,551
Rent and rates		1,809	1,724
Salaries		369,994	292,215
Service providers		14,660	11,543
Staff recruitment		16,654	1,020
Staff training		10,300	2,946
Strategic litigation		34,298	62,477
Strategy and planning		9,479	0
Travel and subsistence		2,475	414
Website costs		406	825
		578,007	497,922
Surplus of income over expenditure for the year		60,581	30,940
Balance brought forward		83,532	52,592
Balance carried forward		144,113	83,532

BALANCE SHEET

for the year ended 31 October 2022

	NOTES	2022 £	2021 £
FIXED ASSETS			
Tangible Assets	4	11,017	4,420
CURRENT ASSETS			
Prepayments		7,025	10,065
Staff loans	5	101	101
Grants receivable		2,360	1,600
Other debtors		294	248
Cash at bank and in hand		405,262	249,219
		415,042	255,636
CREDITORS: AMOUNTS FALLING DUE WITHIN ONE YEAR			
Creditors		6,680	11,803
Funding received in advance		258,549	147,470
Other creditors		16,717	17,251
		281,946	79,112
Net Current Assets		133,097	49,562
Net Assets		144,113	83,532
CAPITAL AND RESERVES			
Profit and loss account		124,442	83,532
Core Income Fund		19,671	
ACCUMULATED FUNDS			
		144,113	83,532

For the year ending 31 October 2022 the company was entitled to exemption from audit under section 477 of the Companies Act 2006 relating to small companies.

No members have required the company to obtain an audit of its accounts for the year in question in accordance with section 476 of the Companies Act 2006.

The directors acknowledge their responsibility for complying with the requirements of the Act with respect to accounting records and for the preparation of accounts.

These accounts have been prepared in accordance with the micro-entity provisions of the Companies Act 2006 and FRS 105, The Financial Reporting Standard applicable to the Micro-entities Regime.

Approved by the Board on:



Anna Fielder, Director

NOTES TO THE ACCOUNTS

for the year ended 31 October 2022

1 Accounting policies

Basis of preparation of financial statements

The accounts have been prepared under the historical cost convention and in accordance with the Financial Reporting Standard for Smaller Entities (effective April 2008).

2 Surplus income and the accumulated fund

As a not for profit company, all income is dedicated to its object of raising general awareness of digital rights matters and is credited to an accumulated fund to be used for future projects. As a company limited by guarantee and without share capital, income cannot be distributed to shareholders.

3 Supporter Donations

Regular supporter donations are treated on a cash basis, i.e. are treated as pertaining to the month in which they are received.

4 Tangible Fixed Assets

Depreciation has been provided at the following rates in order to write off the assets over their useful economic lives:

Equipment: 33% straight line

5 Staff Loans

Staff loans are extended typically for the purchase of season tickets, and are repaid by equal deductions from the employees' salaries.

6 Grant income

	2022 £	2021 £
Avast	14,705	-
Borja	760	-
Digital Freedom Fund	33,917	29,773
Digital Trade Alliance	-	2,733
Exemption Litigation	-	39,951
Heinrich Boll Foundation	11,130	-
Information Commissioner's Office	-	14,562
Internet Society	31,695	19,775
Investment Fund	-	35,000
Joseph Rowntree Reform Trust Ltd	-	16,589
Legal Education	-	2,000
London Trust Media	-	650
Luminate	-	18,980
Oak Foundation	88,116	-
Open Society Foundations	144,811	89,267
Paul Hamlyn Foundation	56,171	34,108
PIA Income	100	5,530
Reset	40,030	7,865
Unbound Philanthropy	-	2,135
VIRT-EU	-	6
	421,435	327,679



