

Through this document, BIT B.V. (hereinafter referred to as “BIT”) wishes to inform its customers and users of BIT’s services (hereinafter referred to as “user[s]”) of the consequences of violating the Acceptable Use Policy (AUP). Additionally, this document describes how internet users can report AUP violations to BIT.

For reports of AUP violations concerning unlawful and/or illegal content on the internet, BIT follows a separate Notice-and-Take-Down (NTD) procedure, as outlined below. For other AUP violations, the procedure described thereafter applies.

Notice and Takedown

BIT adheres to a specific Notice-and-Take-Down (NTD) procedure for reports of Acceptable Use Policy violations involving unlawful and/or illegal online content. This procedure is based on, and thereby endorses, the NTD Code of Conduct launched in 2008. We distinguish between reports from businesses/individuals and actions/interventions/requests by authorities (government). For reports, we follow the NTD procedure described here. For actions or requests by authorities, we act solely on a firm legal basis, such as a court ruling, order, or warrant.

Submitting a Report

- The reporter must first attempt to contact the content provider to reach an agreement.
- A report to BIT must include the following information to be processed:
 - Confirmation that the report is an NTD request,
 - The reporter’s contact details,
 - A description of the failed attempt to resolve the issue with the content provider,
 - Information BIT requires to assess the content, including at minimum the location (URL) of the unlawful/illegal content,
 - An explanation of why the content is considered unlawful/illegal,
 - Justification for approaching BIT as the most suitable intermediary to act,
 - An explicit indemnification against claims from the content provider resulting from measures taken to address the report.
- The report must be emailed to abuse@bit.nl.
- The reporter is responsible for ensuring the report is accurate and complete.

Report Handling

After receiving an NTD report, BIT will respond substantively within two working days and indicate which of the following options applies. BIT may engage a third party to assess the report if exposure to the content is suspected to harm BIT or the reviewing BIT employee. Personal data of the reporter/content provider will not be shared with the third party. When providing information to the reporter/content provider, personal data will not be disclosed without consent. If BIT or the third party determines that the reported content:

- Is unequivocally unlawful/illegal *and* BIT is aware of an investigative interest in keeping the content accessible, BIT will not disable it. The reporter will be informed.
- Is unequivocally unlawful/illegal *and* constitutes an emergency justifying immediate action, BIT will promptly disable the content where proportionally feasible. The content provider and reporter will be notified.
- Is unequivocally unlawful/illegal, BIT will inform the content provider and request removal within two working days. The reporter will be notified. If the content provider:
 - Complies within two working days, BIT will inform the reporter.
 - Fails to comply within two working days *and* BIT is informed of an investigative interest, BIT will not disable the content. The reporter will be notified.
 - Fails to comply within two working days, BIT will disable the content where proportionally feasible. Both parties will be notified.

- Is *not* unequivocally unlawful/illegal, BIT will inform the content provider of the report. The reporter will be notified.

Other Abuse

For AUP violations unrelated to unlawful/illegal online content, the following procedure applies.

Abuse With Complaint

A complaint to BIT must include the following to be processed:

- Confirmation that it is an abuse complaint,
- The complainant's contact details,
- A description of the abuse,
- Information BIT requires to verify the abuse (e.g., IP addresses, logs).

Email complaints to abuse@bit.nl.

Complaint Handling

BIT will respond substantively within two working days. BIT cooperates fully to investigate complaints but will not disclose confidential data. If justified, BIT may suspend the offender's service pending discussions between the user and BIT. If no satisfactory resolution is reached, BIT may terminate the service and contract immediately.

Abuse Without Complaint

If BIT identifies AUP violations, it may suspend the offender's service pending discussions. If unresolved, BIT may terminate the service and contract immediately.

Revisions

BIT reserves the right to unilaterally modify this Abuse Policy in response to societal or technical developments.