

## ABUSE POLICY

### ABUSE POLICY BIT B.V. – VERSION 2013-07-04

By means of this document, BIT B.V. (hereafter: BIT) aims to advise its clients, the users of BIT's services (hereafter: user[s]) of the consequences of violation of the Acceptable Use Policy. (AUP). In addition, this document describes how internet users can report any breach of the AUP to BIT. For the reporting of AUP violations with regard to illegal and/or penal internet content, BIT applies a distinct Notice and TakeDown (NTD) procedure, which is further described below. Other AUP violations are subject to the procedure described further below in this document.

#### Notice and Takedown

BIT applies a specific Notice and Takedown (NTD) procedure for complaints about Acceptable Use Policy infringements with regard to illegal and/or penal internet content. This procedure is based on, and consequently endorses, the NTD code of conduct launched in 2008. We distinguish between complaints from companies and private individuals on the one hand, and actions, interventions and requests by/from (governmental) authorities on the other hand. In case of complaints we apply the NTD procedure described here. In case of actions and requests from authorities we act exclusively on the basis of a concrete, legal rationale, such as a verdict, ordinance or warrant.

#### Submitting a complaint

- The complainant should initially contact the content provider, in an attempt to come to an agreement.
- To be eligible for attendance, a complaint communication to BIT should contain the following information:
  - indication that the complaint relates to an NTD request,
  - the complainant's contact details,
  - a description of the failed attempt to come to an agreement with the content provider,
  - details required by BIT to be able to evaluate the content, including at least the location of the illegal and/or penal content (URL),
  - a description of the reason(s) why the complainant considers the content to be illegal and/or penal,
  - a motivation as to why BIT is being approached as the most suitable party to act as intermediary,
  - an explicit indemnity against any claims that the content provider might submit as a consequence of any measures taken in view of BIT's attending to the complaint.
- Complaints should be emailed to [abuse@bit.nl](mailto:abuse@bit.nl).
- The complainant is responsible for the correctness and completeness of the complaint.

#### Attendance of complaint

Following receipt of the NTD complaint, BIT shall respond substantively within two working days, therewith indicating which of the following options is applicable. In cases where disclosure of the content may be suspected to be harmful for BIT and/or the evaluating BIT employee, BIT may decide to request a third party to substantively evaluate the complaint. In such cases, the complainant's and content provider's personal data shall not be revealed to the third party concerned. Whenever any information is submitted by BIT to the complainant and/or the content provider, either's personal data shall not be revealed to the other party without previous consent. If BIT or the third party consulted establishes that the issue subject to complaint:

- is indeed indisputably illegal and/or penal, and if BIT is aware that it is in the interest of investigatory proceedings to maintain the accessible status of the content, BIT shall not proceed to making the content inaccessible. BIT will advise the complainant of such decisions.
- is indeed indisputably illegal and/or penal, and if an emergency situation exists that does not justify any further delay, BIT shall forthwith proceed to making the content inaccessible if this is proportionally possible. BIT will advise the content provider and the complainant of such decisions.
- is indeed indisputably illegal and/or penal, BIT shall inform the content provider about the complaint, requesting the content provider to make the content inaccessible within two working days. BIT will advise the complainant of such communications. If the content provider:
  - has actually terminated the accessibility of the content within two working days, BIT shall inform the complainant about this.
  - has not proceeded to making the content inaccessible within two working days, and if the content provider informs BIT that it is in the interest of investigatory proceedings to maintain the accessible status of the content, BIT shall not proceed to making the content inaccessible. BIT will advise the complainant of such decisions.
  - has not terminated the accessibility of the content within two working days, BIT shall proceed to inaccessibility when this is proportionally possible. BIT will advise the content provider and the complainant of such decisions.
- is not unmistakably liable for illegal and/or penal content, BIT shall inform the content provider about the complaint. BIT will advise the complainant of such communications.

#### Other Abuse

In the event of AUP violations other than illegal and/or penal internet content, the following procedure will apply.

#### Abuse with complaint

To be eligible for attendance, an abuse complaint to BIT should contain the following information:

- indication that the complaint is related to abuse,
- the complainant's contact details,

- a description of the abuse,
- details required by BIT to be able to verify the abuse, such as IP addresses, logs, etc.

Abuse complaints should be emailed to [abuse@bit.nl](mailto:abuse@bit.nl).

#### **Attendance of abuse complaint**

Following receipt of the abuse complaint, BIT shall respond substantively within two working days. BIT will provide the abuse complainant with optimal support and assistance, in order to ensure that the complaint is investigated as thoroughly as possible. In this procedure, no confidential details will be submitted. If an abuse complaint turns out to be justified, BIT may decide to suspend the provision of services to the responsible party until consultation has taken place between the user in question and a BIT representative. Should this consultation fail to succeed in a manner satisfactory to BIT, then BIT may decide to cease the provision of services to the user with immediate effect and to instantly annul the existing user agreement.

#### **Abuse without complaint**

When BIT detects web behaviour that conflicts with the AUP, BIT may decide to suspend the provision of services to the responsible party until consultation has taken place between the user in question and a BIT representative. Should this consultation fail to succeed in a manner satisfactory to BIT, then BIT may decide to cease the provision of services to the user with immediate effect and to instantly annul the existing user agreement.

#### **Alterations**

BIT reserves the right to unilaterally alter terms of this Abuse Policy whenever this becomes advisable pursuant to social and/or technical developments.