

TABLETOP EXERCISE

Rights-Respecting Responses to Government Demands for Censorship via Automated Platforms



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About This Exercise

In the ongoing evolution of intermediary liability, jurisdictions around the world are exploring ways to effect rapid takedowns of content that is deemed illegal under local laws. A key development in this space is the introduction and establishment of automated platforms that play a role in or facilitate content takedowns.

The fictional orders in this document are related to the use of automated censorship platforms. Structured as tabletop exercises, they aim to highlight the challenges intermediaries face when operating in jurisdictions that have introduced such platforms, and explore rights-respecting responses in line with the GNI Principles.

This exercise is part of a series of tabletop exercises produced by GNI that builds off of the “[Across the Stack](#)” tool, which GNI and BSR developed to explore how human rights due diligence considerations, including those around privacy and freedom of expression, intersect with different types of companies across the tech stack.

Overview of the Regulatory Landscape

There is a growing trend of jurisdictions mandating content takedowns with increasingly shorter timelines. For instance Vietnam requires as little as three hours in non-emergency situations and immediate takedowns in emergency situations. India requires takedowns within 36 hours of receiving a removal order. As an evolution of this trend, countries are now turning to automated systems to send removal orders. These systems vary in who is authorized to use them, if companies can push back against orders received, and differ in how they work in practice. For example, India has introduced the government-owned and operated Sahyog system, which automates the process of sending notices to intermediaries by government agencies under prescribed legal bases. Indian authorities have also attempted in allegedly *ultra vires* manner, to expand the range of approved government agencies that are authorized to request take downs. In Italy, platforms such as Piracy Shield are used by the regulator to automate notices ordering the takedown of pirated content, initially targeted at illegal streaming of sports and entertainment.

The rise in automated censorship globally poses a risk to freedom of expression. While current approaches are somewhat limited in their scope, there is a risk that such tools and tactics and their underlying legal foundations could be expanded to:

- cover other types of content than originally envisaged,
- cover more authorities than those originally envisaged,
- issue overbroad orders with significant impacts on freedom of expression, or
- integrate with intermediaries' content takedown systems to implement real-time, direct government censorship; in other words, direct censorship akin to direct access for surveillance purposes.

Tabletop Exercise

Local Context

In response to the growth of illegal live streaming of sports events, the Republic of Genovia plans to implement an automated platform (GenoSafe) to block access to content suspected of copyright infringement. Copyright holders, licensees, and designated “trusted flaggers” can report suspected domains to the Copyright Protection Authority (CPA) via GenoSafe. The CPA evaluates the urgency and validity of the report. If deemed serious and urgent, the CPA can issue an immediate blocking order on the platform, which intermediaries such as social media companies, telecoms providers, internet service providers, and other infrastructure providers (“intermediaries”) have to implement in 30 minutes.

Legal Background

- The **Constitution of the Republic of Genovia** guarantees citizens the right to free expression, and protects the privacy of citizens and their homes, correspondence, telephone conversations and telegraphic communications. However, the Constitution permits laws that abrogate these protections if they are reasonably justifiable in a democratic society in the interest of defense, public safety, public order, public morality, public health or intellectual property protection.
- The **Communications Regulatory Authority** oversees the regulation of online platforms and communications infrastructure providers. The CRA also administers the **Communications Regulatory Code**. The CRA has the authority to require social media platforms and communications infrastructure providers to take down content that violates prevailing laws.
- The **Copyright Protection Authority** oversees the protection of intellectual property in Genovia. Law No. 11 of 2025 provides the CPA with the authority to implement urgent measures against the illegal dissemination of copyrighted content through intermediaries. The procedures followed by the CPA in blocking such content are contained within CPA Resolution 4-2025. The scope of the blocking may include:
 - Specific pieces of content on a platform
 - A domain
 - An IP address
 - Alias domains and IP addresses (including within content distribution networks)
 - VPNs and public DNSes that facilitate access to infringing content
 - Search engine de-indexing

- Current laws do not provide a legal basis for direct technical integration between GenoSafe and the takedown mechanisms of intermediaries that would automate the process of takedowns in real-time.

Technical Background

Under both Law No. 11 of 2025 and CPA Resolution 4 of 2025, at a minimum, all intermediaries operating in Genovia must register and perform the following actions on GenoSafe:

- Receive orders
- Report on the execution status of orders within a stipulated timeframe
- File an explanation in cases of non-compliance

Platform Background

SocioNet is the largest social network in Genovia and is headquartered in a rights-protective jurisdiction. It allows public and private user posts and direct, unencrypted messages. SocioNet has been operating in Genovia for over 10 years, is a GNI company member, and has been determined to be implementing the GNI Principles in good faith with improvement over time in their latest GNI assessment. Twenty SocioNet employees are physically based in Genovia, and one senior manager there is responsible for law enforcement orders. The company publishes a transparency report and conducts ongoing human rights due diligence and human rights impact assessments on salient issues.

Your Role

You are the senior manager at SocioNet responsible for law enforcement orders. Your role is to handle such orders in a rights-respecting manner in line with the GNI Principles on Freedom of Expression and Privacy¹. You have access to a wider team to evaluate such orders within Genovia and at headquarters, including those with legal, human rights, regulatory, technical, and communications expertise.

¹ In summary, respecting users' rights to freedom of expression and privacy when faced with government demands or restrictions while also ensuring safety of staff



ORDER 1: REGISTERING ON GENOSAFE

In response to protests from copyright holders on illegal live streamed sports content, the CRA issues a written order for SocioNet to register on GenoSafe within 5 working days, citing the CRC, Law No. 11 of 2025 and CPA Resolution 4 of 2025.

Registering on Genosafe means that SocioNet will receive orders directly on the platform rather than its previous channels; SocioNet will then be expected to report on the execution status of orders and file an explanation in cases of non-compliance. Registration on Genosafe still provides an opportunity for manual review and, if necessary, challenge of orders – albeit within 30 minutes for orders deemed to be urgent. In line with past communications from the government, you only expect urgent orders for blocking pirated streams of live sports events.

Given your understanding of the situation, what do you do?

Evaluation:

- Is the order legal, necessary, and proportionate?
- What is the potential for misuse of this order, and potentially in the future?
- What additional information is needed?
- What rights are impacted by the order?
- What options are available to prevent or mitigate the impact?
- Who is consulted during the evaluation?
- What are the consequences of complying vs. not complying?

Decision:

- What is the final decision?
- Who will make the final decision?
- What preventative and mitigation actions are embedded in the final decision?
- How will you communicate the decision to key stakeholders?
- What additional actions might you take after the decision?

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Evaluation

Aspects to explore	Guidance
<i>Is the request legal, necessary, and proportionate?</i>	The GNI framework requires government orders to be legal (IG 3.2a, IG 3.2b), necessary and proportionate (IG 3.2d, IG 3.2e, IG 3.2f, IG 3.2g), which implicitly requires companies to evaluate demands on these bases. In this situation, the request could be deemed legal (given clear legal citations) and necessary (given that such blocking would indeed affect the removal of illegal content), but there may be questions around proportionality. While CPA Resolution 4-2025 prescribes a wide range of potentially disproportionate blocking, as a platform, SocioNet is only able to remove specific pieces of content given its position in the internet stack. Therefore, if blocking only targets a specific piece of illegal content, then the request is proportionate. However, if other means of blocking are ordered (see misuse potential analysis below), then the request could be disproportionate, even if such requests target a single piece of illegal content, due to the potential for collateral blocking.
<i>What is the potential for misuse of this order, and potentially in the future?</i>	There is a risk that the targeted illegal content may be reposted with new links or IP addresses on SocioNet, leading to its continued availability. This may lead to the regulator requiring SocioNet to use broader means of blocking, such as keyword blocking or video hashing, all of which could cause collateral blocking to other legal content that is not the intended target. The regulator could also order infrastructure providers to block SocioNet itself as a way of making the illegal content inaccessible, though this is highly unlikely, given the prominent role of SocioNet within Genovia.

Aspects to explore	Guidance
	The GNI framework requires government orders to be legal (IG 3.2a, IG 3.2b), necessary and proportionate (IG 3.2d, IG 3.2e, IG 3.2f, IG 3.2g), which implicitly requires companies to evaluate demands on these bases. In this situation, the request could be deemed legal (given clear legal citations) and necessary (given that such blocking would indeed affect the removal of illegal content), but there may be questions around proportionality. While CPA Resolution 4-2025 prescribes a wide range of potentially disproportionate blocking, as a platform, SocioNet is only able to remove specific pieces of content given its position in the internet stack. Therefore, if blocking only targets a specific piece of illegal content, then the request is proportionate. However, if other means of blocking are ordered (see misuse potential analysis below), then the request could be disproportionate, even if such requests target a single piece of illegal content, due to the potential for collateral blocking.
<i>What additional information is needed?</i>	The GNI framework requires companies to seek clarification from the government (IG 3.3a) where necessary. In this situation, to address the potential for disproportionality of demands and misuse as highlighted above, SocioNet might consider engaging the government to clarify the limited and defined intended usage of GenoSafe and to request that all blocking orders are legal, necessary and proportionate (IG 4.2a) with respect to both local laws and international human rights frameworks. SocioNet may also consider highlighting that the 30-minute response for urgent requests may not give sufficient time to evaluate the order and, therefore, request additional time.

Aspects to explore	Guidance
<i>What rights are impacted by the order?</i>	The GNI framework requires companies to conduct ongoing human rights due diligence and impact assessments where necessary (IG 2.4-2.7). In this situation, the impact assessment might reveal that there would be no impact if only illegal copyrighted materials were blocked, even if such orders were “urgent” with a 30-minute compliance window. However, freedom of expression could be negatively impacted if orders caused collateral blocking or if the potential for misuse were realized.
<i>What options are available to prevent or mitigate the impact?</i>	Based on the situation at hand, the GNI framework suggests the following potential preventative or mitigating actions. The extent of company implementation depends on the type of order and its assessment of legality, necessity, and proportionality: • Public policy engagement to ensure legal frameworks and their implementation are legal, necessary, and proportionate with respect to local laws and normative international human rights frameworks (IG 4.2) • Engage authorities to modify (or potentially rescind) the order on the grounds of legality, necessity, and proportionality (IG 3.3a) • Consult and seek assistance from stakeholders (IG 3.3b) • Enhance public transparency of the company and the government’s governance and actions on such orders (IG 3.5) • Commence legal challenge (IG 3.3c) • Institute a grievance mechanism for impacted users (IG 2.13f)

Aspects to explore	Guidance
<i>Who is consulted during the evaluation?</i>	The GNI framework requires companies to establish clear instructions for when and how issues or problems affecting freedom of expression and privacy must be escalated to higher levels of the company (IG 2.3d). In this situation, you may wish to consider mobilising relevant internal teams (such as the trust and safety, human rights, and legal teams) to discuss opportunities for overbroad orders, misuse, and potential mitigations.
<i>What are the consequences of complying vs. not complying?</i>	If the order were not complied with, SocioNet may face legal repercussions from the regulator and potentially from copyright holders. If the order were complied with, there would be limited concerns from civil society stakeholders and end users, given that no impact on freedom of expression is expected if the regulator uses GenoSafe in a targeted manner in line with their original objective. Given the analysis above, no tradeoff is expected from compliance.

Decision

Aspects to explore	Guidance
<i>What is the final decision?</i>	SocioNet would likely comply with the order, having first clarified with and received assurances from the regulator that orders would be: • limited to its original scope of specific pieces of copyrighted content, and • legal, necessary, and proportionate with respect to both local laws and international human rights frameworks.
<i>Who will make the final decision?</i>	This would depend on the authority matrix of each company. In this situation, the request to join SocioNet may not trigger an escalation, based on confirmation from the regulator that the system will be used in line with its original scope. However, given the risk of disproportionality, misuse, and a 30-minute response window for urgent requests, SocioNet may consider reviewing its escalation process, ensuring clear escalation paths to relevant senior management in pre-defined situations.
<i>What preventative and mitigation actions are embedded in the final decision?</i>	In this situation, given the potential disproportionately of future orders and scope creep of GenoSafe, policy engagement with regulators to limit the scope of GenoSafe, case-by-case challenge of disproportionate orders, and grievance mechanisms for users impacted by collateral blocking would be a minimum. Additionally, SocioNet might also increase user transparency around applicable laws, its policies, and the number of requests it has received and complied with over time.
<i>How will you communicate the decision to key stakeholders?</i>	At a minimum, SocioNet might consider announcing on its website that it has joined GenoSafe. SocioNet might also consider communicating with users of its remedial plans in case collateral blocking occurs.

Aspects to explore	Guidance
<i>What additional actions might you take after the decision?</i>	N/A



ORDER 2: AN URGENT BLOCKING ORDER

Following SocioNet’s registration on GenoSafe, the first order to urgently block a copyrighted soccer livestream is received. The livestream was uploaded by a user as a post, and the order concerns only that specific post. Given the urgent nature of the order, compliance is required in 30 minutes.

Given your understanding of the situation, what do you do?

Evaluation:

- Is the order legal, necessary, and proportionate?
- What is the potential for misuse of this order, and potentially in the future?
- What additional information is needed?
- What rights are impacted by the order?
- What options are available to prevent or mitigate the impact?
- Who is consulted during the evaluation?
- What are the consequences of complying vs. not complying?

Decision:

- What is the final decision?
- Who will make the final decision?
- What preventative and mitigation actions are embedded in the final decision?
- What trade-offs were involved in the final decision?
- How will you communicate the decision to key stakeholders?
- What additional actions might you take after the decision?

GUIDANCE

Evaluation

Aspects to explore	Guidance
<i>Is the request legal, necessary, and proportionate?</i>	The GNI framework requires government orders to be legal (IG 3.2a, IG 3.2b), necessary and proportionate (IG 3.2d, IG 3.2e, IG 3.2f, IG 3.2g), which implicitly requires companies to evaluate demands on these bases. The order is legal, as the legality of copyright-related orders on GenoSafe is derived from the original legal basis when SocioNet registered on the platform. The order is necessary, as the blocking order would remove copyrighted content in line with the order. Further, as the order targets a stream of a live soccer match, the urgency is also necessary. The order is proportionate, as it relates to a specific piece of content with no collateral blocking.
<i>What is the potential for misuse of this order, and potentially in the future?</i>	N/A
<i>What additional information is needed?</i>	The GNI framework requires companies to seek clarification from the government (IG 3.3a) where necessary. In this situation, given the legality, necessity, and proportionality of the order, no clarification is necessary.
<i>What rights are impacted by the order?</i>	In this situation, only specific copyrighted material that non-paying users have no right to access is targeted. ICCPR Article 19.3(a) specifically allows restrictions on freedom of expression to protect the rights of others, which includes the legal rights of copyright holders. Hence, there are no human rights impacts from this order.

Aspects to explore	Guidance
	In this situation, only specific copyrighted material that non-paying users have no right to access is targeted. ICCPR Article 19.3(a) specifically allows restrictions on freedom of expression to protect the rights of others, which includes the legal rights of copyright holders. Hence, there are no human rights impacts from this order.
<i>What options are available to prevent or mitigate the impact?</i>	While the GNI framework suggests several potential preventative or mitigating actions, only notice informing users (IG 3.5c) that the content has been taken down due to copyright infringements is necessary in this specific situation.
<i>Who is consulted during the evaluation?</i>	The GNI framework requires companies to establish clear instructions for when and how issues or problems affecting freedom of expression and privacy must be escalated to higher levels of the company (IG 2.3d). In this situation that concerns an urgent order, no escalation may be necessary given the legality, necessity, and proportionality of the order. Even if an escalation were necessary, there may not be sufficient time before SocioNet is deemed by the regulator to be non-compliant due to the 30-minute response window. SocioNet should therefore pre-emptively develop procedures for responding to urgent orders with relevant escalation protocols.
<i>What are the consequences of complying vs. not complying?</i>	If the order were not complied with, SocioNet may face legal repercussions from the regulator and potentially from copyright holders. If the order were complied with, there would be no limited concerns from civil society stakeholders and end users, given access to pirated content is not a human right. Given the analysis above, no tradeoff is expected from compliance.

Decision

Aspects to explore	Guidance
<i>What is the final decision?</i>	SocioNet would comply with the order, given that it is evaluated to be legal, necessary, and proportionate.
<i>Who will make the final decision?</i>	While this would depend on the authority matrix of each company, a legal, necessary, and proportionate order should not need escalation.
<i>What preventative and mitigation actions are embedded in the final decision?</i>	In this situation, only a user's notice on copyrighted content that has been taken down may be needed (IG 3.5c). In line with the suggestion from the previous order, SocioNet might also increase user transparency around applicable laws, its policies, and the number of requests it has received and complied with over time.
<i>How will you communicate the decision to key stakeholders?</i>	In this situation, only a user notice on copyrighted content may be needed.
<i>What additional actions might you take after the decision?</i>	N/A



ORDER 3: A BROADER BLOCKING ORDER

SocioNet receives a subsequent order to comprehensively block all streams of the soccer match from Order 2 on SocioNet. The regulator indicates that, following the completion of the livestream, posts sharing recordings of the match content have been discovered. The regulator asks SocioNet to use “all available means” to takedown all such posts, and provides examples of methods such as keyword blocking, and video hashing.

You are concerned about keyword blocking – there could be collateral blocking as posts that are unrelated to the copyrighted content could share keywords. Equally, it is possible that posts could use permutations of blocked keywords to evade blocking, potentially leading SocioNet to be non-compliant with the order if it chose to implement the order.

You are also concerned about video hashing – while the technique is generally accurate and should lead to no collateral blocking, you are concerned about users changing the orientation, colour or other characteristics of the video that leads to a different hash – thereby potentially leading SocioNet to be non-compliant with the order. There is also a risk that other similar events could be inadvertently blocked.

Given your understanding of the situation, what do you do?

Evaluation:

- Is the order legal, necessary, and proportionate?
- What is the potential for misuse of this order, and potentially in the future?
- What additional information is needed?
- What rights are impacted by the order?
- What options are available to prevent or mitigate the impact?
- Who is consulted during the evaluation?
- What are the consequences of complying vs. not complying?

Decision:

- What is the final decision?
- Who will make the final decision?
- What preventative and mitigation actions are embedded in the final decision?
- What trade-offs were involved in the final decision?
- How will you communicate the decision to key stakeholders?
- What additional actions might you take after the decision?

GUIDANCE

Evaluation

Aspects to explore	Guidance
<i>Is the request legal, necessary, and proportionate?</i>	The GNI framework requires government orders to be legal (IG 3.2a, IG 3.2b), necessary and proportionate (IG 3.2d, IG 3.2e, IG 3.2f, IG 3.2g), which implicitly requires companies to evaluate demands on these bases. The order is legal, as the legality of copyright-related orders on GenoSafe is derived from the original legal basis when SocioNet registered on the platform. The order is necessary, as the blocking order would remove copyrighted content if it were technically possible to implement precisely. However, the order is disproportionate and overbroad – while the order relates to specific video content, it does not relate to a specific post or piece of content which can be precisely targeted by SocioNet. Methods such as keyword blocking and video hashing could lead to collateral blocking.
<i>What is the potential for misuse of this order, and potentially in the future?</i>	Implementing the order in its original form may encourage the regulator to provide even broader orders, potentially culminating in a broad order to “block all copyrighted content” without specifying the content or its location. This poses significant risks of collateral blocking. Further, the success of the order may encourage scope creep – i.e., expanding the scope of GenoSafe beyond copyrighted content.
<i>What additional information is needed?</i>	The GNI framework requires companies to seek clarification from the government (IG 3.3a) where necessary. In this situation, SocioNet may consider seeking clarification on the specific pieces of content (i.e., posts, video URLs) that the regulator would like to be taken down. If successful,

Aspects to explore	Guidance
	the order would become proportionate. To facilitate the discussion, SocioNet may choose to explain the technical limitations and collateral blocking risks of using “all available means” to block the pirated video, which could lead to perceived non-compliance at best, and significant impacts on freedom of expression at worst.
<i>What rights are impacted by the order?</i>	The GNI framework requires companies to conduct ongoing human rights due diligence and impact assessments where necessary (IG 2.4-2.7). In this situation, the collateral blocking potential of the order has a negative and long-lasting impact on freedom of expression. If compliance with the order in its original form leads to scope creep, this may result in even greater erosion of freedom of expression.
<i>What options are available to prevent or mitigate the impact?</i>	The GNI framework suggests the following potential preventative or mitigating actions. The extent of company implementation depends on the type of order and its assessment of legality, necessity, and proportionality: • Public policy engagement to ensure legal frameworks and their implementation are legal, necessary, and proportionate with respect to local laws and normative international human rights frameworks (IG 4.2) • Engage authorities to modify (or potentially rescind) the order on the grounds of legality, necessity, and proportionality (IG 3.3a) • Consult and seek assistance from stakeholders (IG 3.3b) • Enhance public transparency of the company and government’s governance and actions on such orders (IG 3.5) • Commence legal challenge (IG 3.3c) • Institute a grievance mechanism for impacted users (IG 2.13f)

Aspects to explore	Guidance
<i>Who is consulted during the evaluation?</i>	The GNI framework requires companies to establish clear instructions for when and how issues or problems affecting freedom of expression and privacy must be escalated to higher levels of the company (IG 2.3d). In this situation, escalation in line with defined procedures would be advised due to the disproportionate and overbroad nature of the order. Consultation with other relevant teams may also be recommended to evaluate the best options to respond to this demand in a rights-respecting and legally compliant manner.
<i>What are the consequences of complying vs. not complying?</i>	If the order were not complied with, SocioNet may face legal repercussions from the regulator and potentially from copyright holders. If the order were complied with in its original form, the risk of overbroad blocking may lead to statements of concern from civil society and the general public. SocioNet, therefore, needs to balance both consequences in its final decision.

Decision

Aspects to explore	Guidance
<i>What is the final decision?</i>	Given the overbroad nature of the order, SocioNet would seek to comply with the order only if specific links to the pieces of illegal content are provided by the regulator. If the regulator rejects the request to decrease the scope of the order and insists on compliance by citing legal action, SocioNet may choose to comply in protest while interpreting the order in the narrowest possible way that minimises impact on freedom of expression. An example of such limited interpretation when using keyword blocking and video hashing could be: Keywords used for blocking will be limited to the bare minimum that achieves the intended effect, and minimizes unintended effects Video hashing will be limited to the specific video requested by the regulator and not its potential permutations The keywords and video hashes used could be monitored over time and fine-tuned to improve specificity SocioNet should communicate to the regulator that compliance will be partial due to both human rights and technical reasons.
<i>Who will make the final decision?</i>	While this would depend on the authority matrix of each company, escalation is recommended due to the overbroad nature of the order and the partial compliance due to technical limitations and human rights impacts in fully implementing the order.
<i>What preventative and mitigation actions are embedded in the final decision?</i>	At a minimum, a user notice on copyrighted content that has been taken down (IG 3.5c) and a grievance mechanism for users impacted by collateral blocking (IG 2.13f) would be required. If the government has instituted its own grievance mechanism, SocioNet may consider submitting case-by-case grievances to this mechanism on behalf of its users.

Aspects to explore	Guidance
	SocioNet may also consider ongoing public policy and media engagement to reduce the scope of the current order post implementation, and to reduce the possibility of overbroad orders – in other words, that future orders are legal, necessary, and proportionate with respect to local laws and normative international human rights frameworks (IG 4.2). Alongside direct engagement, SocioNet may also choose to engage with civil society to seek advice and alliances to meet the common objectives. In line with the suggestion from the previous order, SocioNet might also increase user transparency around applicable laws, its policies, and the number of requests it has received and complied with over time.
<i>How will you communicate the decision to key stakeholders?</i>	SocioNet may choose to publicly announce that it had complied in protest while interpreting the order in the narrowest possible way that minimizes impact on freedom of expression.
<i>What additional actions might you take after the decision?</i>	Given that this order relates to different postings of a single pirated video, there may not be a sufficient basis to commence a legal challenge as per IG 3.3c. However, further engagement with the regulator and the possibility of such legal action should be considered if there is evidence or intent for future scope creep.

