Long Term Cybersecurity research
Summaries of projects granted in the second NWO call for proposals (2014)

Project number	CYBSEC.14.023 / 628.001.015	
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Project title	Public-private actions against botnets: establishing the legal boundaries	
Scientific summary		

Combatting botnets, which facilitate many forms of cyber-attacks, is a key challenge in cybersecurity. The classic crime-fighting approach of prosecuting perpetrators and confiscating crime tools fails here: botnets cannot be simply 'confiscated', and law-enforcement's reactive focus on prosecuting offenders is ill-suited to deal effectively with botnet threats. A wider set of anti-botnet strategies, including pro-active strategies and public-private co-operation, is needed to detect and dismantle botnets. Public-private anti-botnet operations, however, raise significant legal questions: can data about (possibly) infected computers be shared among private parties and public authorities? How far can private and public actors go in anti-botnet activities? And how legitimate are public-private partnerships in which private actors partly take up the intrinsically public task of crime-fighting?

This project aims to enhance legal certainty for stakeholders and the legitimacy of public-private anti-botnet operations in two key sectors involved in botnet-fighting (telecommunications/Internet and higher-education), and therewith to stimulate lawful and legitimate anti-botnet operations. The objectives are to investigate the legal limits and possibilities for public-private anti-botnet operations, to raise awareness among stakeholders of the legal room for anti-botnet operations, and to develop guidelines and sectoral codes of conduct that clarify and establish the boundaries of anti-botnet operations.

The overall research question is: under which conditions can efficacious public-private anti-botnet operations be lawfully and legitimately undertaken? The methodology combines legal analysis (Dutch and European law), comparative law (Germany, England) and social-scientific methods of stakeholder analysis. National and international collaboration will foster a wide dissemination of best practices in combating botnets.

Applicable NCSRA themes
- Malware and malicious infrastructures
- Attack detection, attack prevention and monitoring
- Risk Management, Economics and Regulation