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Netsafe warns New Zealanders against sharing “revenge porn” and intimate images of others online

Netsafe is warning people not to post intimate images and videos of others online without consent, as they risk potential prosecution under the Harmful Digital Communications Act.

A recent rise in the interest of revenge porn in the media has led online safety organisation Netsafe to warn New Zealanders about the potential implications.

“Revenge porn’ is the common term used to describe the non-consensual sharing of intimate images,” says Netsafe Chief Executive, Martin Cocker. “In New Zealand, it can be an offence under the Harmful Digital Communications Act, as well as a potential offence under a number of other Acts.”

Cocker says that it can be an offence regardless of if the intimate images or videos were produced consensually, or if the content was shared privately with the individual who has posted it online. “Even if the content was made together, or shared with another person, that doesn’t mean that person has the right under the law to share it online with others,” says Cocker.

Under the Harmful Digital Communications Act it is illegal to send messages and post material online that deliberately causes somebody serious emotional distress. The criminal penalties are a fine of up to \$50,000 or up to two years’ jail for an individual, and up to \$200,000 for a body corporate. The majority of the criminal prosecutions for the Act in its first 18 months were for cases of non-consensual sharing of intimate images.

The criminal penalties were introduced under the Act to address the most serious cases of harmful digital communications. Alongside the criminal penalties, the Act introduced a civil regime to provide help and assistance for people experiencing harmful digital communications. Netsafe is the agency chosen to provide assistance for people under the civil regime in the Act.

Cocker says, “Netsafe receives reports of harmful online content, explains the options available to the person affected, and they can decide the course of action they would like to take. Under the Act, Netsafe has a variety of options available to help people affected by harmful content. We can’t punish people for their actions, but we can use mediation, negotiation and persuasion to reach a resolution between parties, or request the removal of content by online content hosts.”

Anyone who has had intimate images published or sent online without their consent should contact Netsafe on 0508 NETSAFE (0508 638 723) to discuss the options available. Netsafe’s helpline is open seven days a week from 8am-8pm Monday to Friday, and 9am-5pm weekends

and public holidays.

Key facts about the non-consensual sharing of intimate images

- The non-consensual sharing of intimate images can be an offence in New Zealand under the Harmful Digital Communications Act.
- Even if intimate images/video are produced consensually, it can be an offence to share them without consent.
- Even if an image/video was shared with another individual, this does not mean that person has consent to share it with others under the law.
- The Police may prosecute a person or company if they intended the communication to cause harm; and it is reasonable to expect that a person in the position of the targeted individual would be harmed by it; and the targeted individual suffered serious emotional distress.
- If prosecuted under the Harmful Digital Communications Act, the penalties for this offence can be a fine of up to \$50,000 or up to two years' jail for an individual, and up to \$200,000 for a body corporate.
- The majority of the criminal prosecutions for the Harmful Digital Communications Act in its first 18 months were cases of non-consensual sharing of intimate images.
- If intimate images are sent or published online, immediately report the content to the platform that it is hosted on and contact Netsafe for information about the available options.

Up until April 2017 the Act has resulted in:

- 132 criminal charges filed
- 77 criminal cases finalised
- 50 convictions and sentences
- 4 diversions completed
- 3 dismissals
- 1 discharge without conviction

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About Netsafe

Netsafe was appointed as the approved agency to receive, assess and investigate complaints of harm caused by digital communications under the Harmful Digital Communications Act in 2015. The free service is available to all New Zealand internet users experiencing online harassment, offering help and advice to resolve complaints.

Netsafe is an independent, non-profit New Zealand organisation focused on online safety. Netsafe provides online safety education, advice and support for people in New Zealand. Taking a technology-positive approach to the opportunities and challenges digital tech presents, Netsafe works to help people in New Zealand make the most of digital tech by providing practical tools,

support and advice for managing online challenges.

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[Netsafe.org.nz](https://www.netsafe.org.nz) - 0508 NETSAFE (0508 638 723) - queries@netsafe.org.nz