

EU Update

Privacy and Surveillance in Europe
and the New Protest Movement

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EU - a mixed track record

- Home of the first and strongest privacy laws
- independent DP commissioners
- Privacy / DP as fundamental right
- innovative approaches through projects
 - P3P funding, PRIME, ...
 - European Privacy Seal & audit mechanism
 - “Privacy-Enhanced Security Technologies”
- *but*
- growing surveillance since 9/11
- policy laundering through EU-level
- cross-border cooperation without control

PI Country Ranking 2007



	Consistently upholds human rights standards
	Significant protections and safeguards
	Adequate safeguards against abuse
	Some safeguards but weakened protections
	Systemic failure to uphold safeguards
	Extensive surveillance societies
	Endemic surveillance societies

Law Enforcement & Intelligence

- Data sharing is growing
 - Principle of availability (Prüm Treaty)
 - Databases connected (Schengen, EURODAC, VIS, car registers, protesters, ...)
- Intelligence cooperation without control
 - „Berne Club“, Joint Situation Center (SITCEN)
- Cooperation & sharing with third countries
- Draft framework decision on data protection
 - delayed
 - watered down, basically meaningless
 - MEP Alvaro: „hot air“

Passenger Data Retention

- PNR forwarded to / accessed by the US
- EuCtJ decision: agreement was illegal
- Reaction: framework decision 2007

- PNR planned for inner-European flights
- Data stored and processed for 13 years

Communications Data Retention

- Data Retention Directive of 2005
- Retention of phone, SMS, email and internet access data for 6 to 24 months
- Access by „competent national authorities“
 - ETSI query standard: wildcard searches!
- Transposed in 8 of 27 member states
- EuCtJ challenge on formal grounds
- Constitutional challenges in Germany & Ireland

Biometric Data Retention

- Passport Framework Decision of 2004
- EU passports now with fingerprints
 - planned: iris scan
 - so far, only stored in the passport
 - EU Commission wants central database
- data from visa applicants already in database
- UK involved in „server in the sky“ with US, CN, AU, NZ
- UK has largest DNA database
 - 2 mio entries, 5.2 % of UK population
 - 40% of black men, 9% of white men

More Data Retention

- Postal data
 - postal services required to send data on packets and letters to US Customs
 - only Austria resisting
 - international agreement planned
- Financial data
 - SWIFT data mined by US agencies
 - now splitting into EU-zone and US-zone
 - SWIFT has joined „Safe Harbor“ – so what?
- Travellers' data
 - German draft bill: ships and ferries must forward data on passengers to authorities, similar plans for train passengers
 - License plate scanning

Black lists on „terrorists“

- UN Security council list on suspects
- Council of Europe report 11/2007
 - „civil death penalty“
 - „scandal“
 - „not acceptable under rule of law“
- Now, persons in EU are informed
- Countries can apply for taking s/o offlist
 - not the affected persons themselves!

e-Government / e-Identity

- Plan: EU-wide access by all residents to all e-government services by 2010
- online identification needed
 - Commission trying to coordinate
 - but very different standards
 - Citizen serial number in Belgium
 - Serial number unconstitutional in Germany
 - eID infrastructure has potential for online tracking
- "Registry Information Service on European Residents" (RISER) in the making

Privacy Activism and Protest

- European Digital Rights (EDRi)
 - network of 28 NGOs in 17 countries
 - bi-weekly EDRi-Gram newsletter
 - regularly involved at EU and CoE now
 - Problem: lack of resources

Firefox browser window showing the website "Data retention is no solution". The page features a large black banner with white text: "data retention is no solution". Below this is a red and white striped banner with the text "Go to the WIKI for updates and background information". A red banner below that states "THIS PETITION CLOSED ON MONDAY 21 NOVEMBER 2005 AT MIDNIGHT". The page includes a list of languages (en, nl, fr, fi, sv, de, it, es, pl, da, hu, cs, bg, ro, ru, hy, sl, ca, el, eu, pt) and a count of "0 people already signed!". There are navigation links for "information", "banners", "privacy policy", "endorsing organisations", "list", and "contact". The main content is divided into two columns: "Data retention is no solution!" and "Petition". The "Data retention is no solution!" section contains three paragraphs explaining the proposal and its impact. The "Petition" section includes a statement "I believe that:" followed by four bullet points and a concluding statement "I call upon the European Commission and the European Parliament to examine the proposal for data retention very critically and uphold the protection of human rights, including privacy, in these difficult times."

data retention is no solution

Go to the WIKI for updates and background information

THIS PETITION CLOSED ON MONDAY 21 NOVEMBER 2005 AT MIDNIGHT

languages: [en](#) [nl](#) [fr](#) [fi](#) [sv](#) [de](#) [it](#) [es](#) [pl](#) [da](#) [hu](#) [cs](#) [bg](#) [ro](#) [ru](#) [hy](#) [sl](#) [ca](#) [el](#) [eu](#) [pt](#)
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Data retention is no solution!

The European ministers of Justice and the European Commission want to keep all telephone and internet traffic data of all 450 million Europeans. If you are concerned about this plan, please sign the petition.

What's wrong with data retention? The proposal to retain traffic data will reveal who has been calling and e-mailing whom, what websites people have visited and even where they were with their mobile phones. Telephone companies and internet services providers would be ordered to store all traffic data of their customers. Police and intelligence agencies in Europe would be granted access the traffic data. Various, competing proposals in Brussels mention retention periods from 6 months up to four years.

Data retention is an invasive tool that interferes with the private lives of all 450 million people in the European Union. Data retention is a policy that expands powers of surveillance in an unprecedented manner. It simultaneously revokes many of the safeguards in European human rights instruments, such as the Data Protection Directives and the European Convention on Human Rights.

Data retention means that governments may interfere with your private life and private communications regardless if you are suspected of a crime or not.

Petition

I believe that:

- Data retention is an invasive tool that interferes with the private lives of everyone;
- Retaining personal data on everyone is an illegal practice in terms of Article 8 of the European Convention on Human Rights, as it is disproportionate;
- Security gained from retention may be illusory, as it is likely that traffic data that is associated to one individual may actually be linked to activity taken by another, or by a process that is unrelated to the activities of that user;
- The means through which this policy is being pursued is illegitimate, as some member states who have failed to pass this policy through their own Parliaments are now trying to push it through the EU instead in the name of harmonisation and international cooperation.

I call upon the European Commission and the European Parliament to examine the proposal for data retention very critically and uphold the protection of human rights, including privacy, in these difficult times.

Privacy Activism and Protest

- Statewatch
 - excellent watchdog on EU affairs
- Privacy International
 - UK and business focus, but great resource
- ICAMS and other loose networks
- general problem: lack of funding
- New: Privacy Open Space, 2008-2010

The Privacy Movement in Germany

- So far: several groups, sporadic cooperation
- BBA Germany largest event so far
- 2005: Working Group on Data Retention
 - open network, low entry barriers, large wiki
 - „advocacy 2.0“
 - 1600 members, 60 local chapters
 - 15,000 on the street against surveillance
 - 30,000 participants in constitutional challenge
 - part of the pop culture





STASI 2.0



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14.08.2007 | <http://www.stasi.de/> | info@stasi.de





BIG SCHÄUBLE



IS WATCHING
YOU

DEMO

22. SEP. BERLIN
PARISER PLATZ



Future Plans

- extension to other policy issues
- more focus on EU level, with EDRi
- cross-border collaboration
- privacy demonstration in Strasbourg

Links

- European Digital Rights
→ www.edri.org
- Working Group on Data Retention
→ www.vorratsdatenspeicherung.de
- T-Shirts
→ dataloo.spreadshirt.net
- Yours Truly
→ bendrath.blogspot.com