EU Update

Privacy and Surveillance in Europe and the New Protest Movement

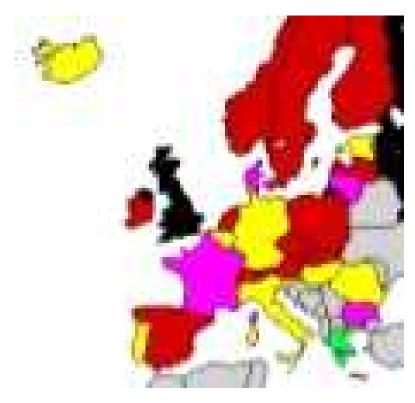
Ralf Bendrath

University of Bremen
Working Group on Data Retention
European Digital Rights

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"

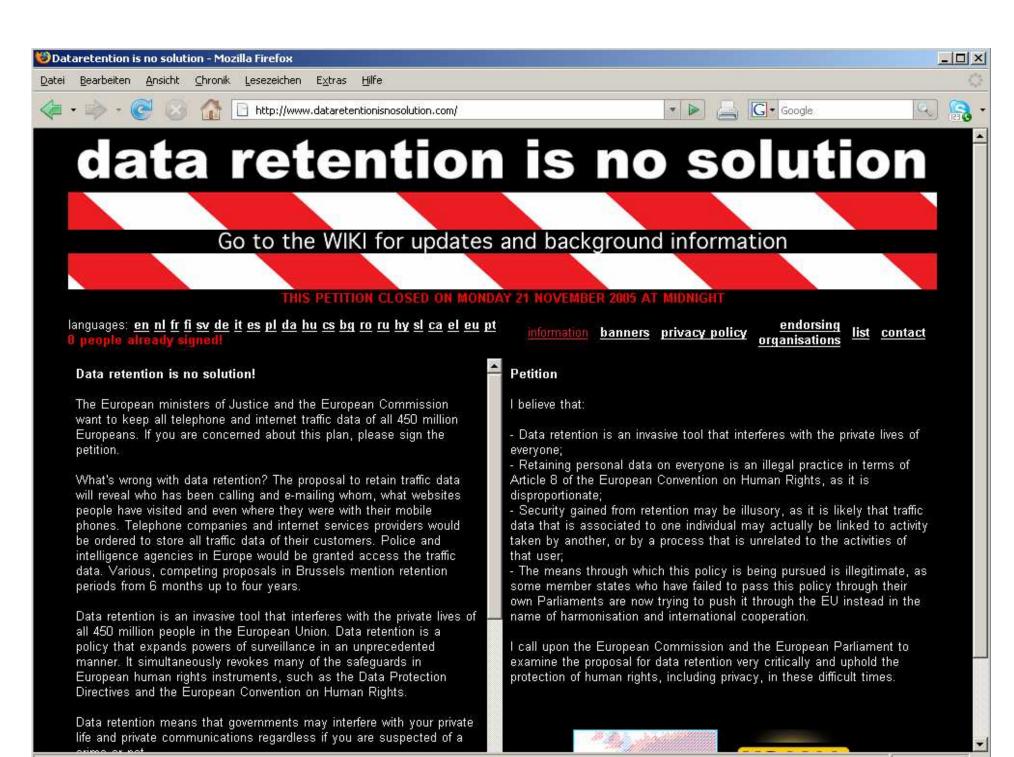
- UN Security council list on suspects
- Council of Europe report 11/2007
 - "civil death penalty"
 - "scandal"
 - "not acceptable under rule of law"
- Now, persons in EU are informed
- Countries can apply for taking s/o offlist
 - not the affected persons themselves!

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

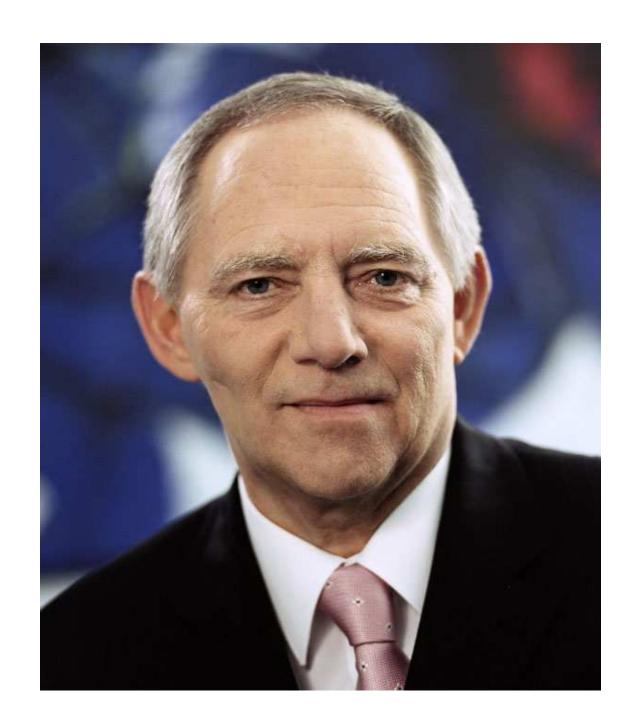


Privacy Activism and Protest

- Statewatch
 - excellent watchdog on EU affairs
- Privacy International
 - UK and business focus, but great resource
- ICAMS and other lose 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













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