



OPPOSITION TO DATA RETENTION CONTINUES TO GROW BEFORE THE VOTE ON THE TELECOMMUNICATIONS PRIVACY DIRECTIVE IN THE EUROPEAN PARLIAMENT

AN INTERNAL EUROPOL DOCUMENT OBTAINED BY THE ELECTRONIC PRIVACY INFORMATION CENTER REVEALS THE DRAMATIC EXTENT TO WHICH PEOPLE'S PHONE CALLS, E-MAILS AND INTERNET COMMUNICATIONS COULD BE TRACKED BY EUROPEAN LAW ENFORCEMENT AUTHORITIES.

WASHINGTON, DC, 30 MAY 2002 - 60 organizations from around the world call the EP Members to look to their conscience before voting on the issue of data retention tomorrow in Brussels. More than 16.000 people from 73 countries have endorsed a letter to the President of the European Parliament. The Parliament must decide whether EU Member States law enforcement authorities are entitled to retain all their citizens' private communications and store them for years. If such a general power were enacted into law, it would amount, for many privacy law experts, to a blatant violation of the fundamental rights of presumption of innocence, privacy, freedom of expression, and secrecy of communications.

In the last few days, some EP Members of the center-right and center-left parties (PPE and PES) have pushed their colleagues in Parliament to reach a « compromise » agreement that would support an amendment virtually identical to the pro-data retention position of the Council and EU governments. If the vote follows this path, the whole data protection scheme established by the European Union in the last few years to limit unwarranted intrusions in individuals' privacy will crumble and enable EU governments to acquire very extensive surveillance powers and tracking capabilities.

The Electronic Privacy Information Center (www.epic.org) obtained today a very troubling unreleased EUROPOL report drafted for an April 2002 meeting of EU governments' cyber-crime experts. The document reveals in great details the type of data the police and other governmental security agencies would like to get from Internet service providers and telephone companies' subscribers were they to acquire the data retention powers presently under discussion. Not only do they want to get access to traffic data (date, time and duration of connection, sender and receiver's names, IP address, etc.), but they are eager to obtain information disclosing the content of private communications or that could enable them to establish

very detailed profiles of individuals. Such data includes people's user IDs in emails and chat rooms, as well as other « identifying information that could be retrieved from e-mails », the path and filenames of documents transferred over the Internet, the names of persons posting messages on bulletin boards, the pages they visit on the Internet, the precise location of mobile telephones users, the name, date of birth and address of telephone subscribers, and bank accounts or credit card numbers of telephone subscribers and people paying over the Internet.

In response to such serious privacy risks for individuals, The Global Internet Liberty Campaign, a group of civil liberties organisations from around the world, launched a campaign urging MEPs to oppose the Council's position, and solicited individuals' support. In a few days only, prominent non-governmental organizations of 15 different countries endorsed the open letter, and more than 16.000 citizens of 73 countries signed it up.

The coalition of NGOs urges MEPs to carefully consider the importance of their vote for the protection of fundamental rights and the future of democratic states. Its open letter vigorously rejects any amendment favoring data retention because its language violates well-established international human rights conventions, such as the European Convention on Human Rights and the European Union Charter of Fundamental Rights, as well as the case law of the European Court of Human Rights.

The open letter affirms that: "The language of the Council's proposal [...] allows Member States to authorise general and exploratory electronic surveillance on a large scale. While the fight against terrorism is a legitimate purpose, we do not believe it can justify actions that undermine the most fundamental rights of democratic states. [...] New retention requirements [...] will create new risks to personal privacy, political freedom, freedom of speech, and public safety. [...] Wide data retention powers for law enforcement authorities, especially if they were used on a routine basis and on a large part of the population, could have disastrous consequences for the most sensitive and confidential types of personal data."

Tomorrow's vote offers all EP Members a unique opportunity to protect the privacy of EU citizens, oppose data retention and prevent the risks of broad and sweeping surveillance by police and governments' security agencies. The message the signatories from Europe and from all over the world have sent to EP Members is clear: they are afraid of the prospects of a wide and general control of all their private communications, and the real potential for secret profiling and discrimination of minorities by governmental authorities.

List of the organizations which endorsed the open letter:

a.c.t.i.o.n - kooperative kulturelle Vernetzung (Austria), ACUSI (France), Altern.org (France), American Civil Liberties Union (USA), Association Joyeuse pour les Moyens d'Expression (France), Le MACHIN (Moyen Alternatif de Communication Honteusement Iconoclaste et Novateur) (France), Association "Souriez vous êtes filmés" (France), ASBL AEL (Association Electronique Libre) (Belgium), Association For Progressive Communications (global), Bits of Freedom (Netherlands), BlueLink Information Network (Bulgaria), Bugbrother (France), Campaign for

Digital Rights (UK), Cassiopea (Belgium), CSDPTT (France), Center for Democracy and Technology (USA), Centre Kurde des Droits de l'Homme (Switzerland), Chaos Computer Club (Germany), Community Media Network (Ireland), Computer Professionals for Social Responsibility (USA), Confédération Nationale du Travail (France), Cyber-Rights & Cyber-Liberties (United Kingdom), Der Große Bruder (Germany), Deutsche Vereinigung für Datenschutz (Germany), Digital Rights (Denmark), Editions Cultures Croisées (France), Electronic Frontier Finland (Finland), Electronic Frontier Foundation (USA), Electronic Privacy Information Center (USA), Foundation for Information Policy Research (UK), Free Software Foundation (USA), Globenet (France), GreenNet (UK), Grüne Jugend Deutschland (Germany), Internet Freedom (UK), Internet Society European Co-ordination Council (global), Imaginons un réseau Internet solidaire (France), LIBERTY (UK), LSIjolie (France), The Multiracial Activist (USA), Equipo Nizkor (Spain), Nodo50 - Altavoz por la Libertad de Expresión y Comunicación (Spain), Online Policy Group (USA), Ouvaton (France), Privacy International (UK), Privacy Ukraine (Ukraine), Public Voice Lab (Austria), Quintessenz (Austria), Ras l'Front (France), Ras l'front Montbéliard (France), Rézo Citoyen (France), Samizdat (France), Statewatch (UK), Stop1984 (Germany), Swiss Internet User Group (Switzerland), StrawberryNet Foundation (Romania), Syndicat Sud éducation Lorraine (France), VIBE!AT (Austria), XS4ALL Internet (Netherlands).

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