



WP 144

**Resolution by the Article 29 Working Party on the 2nd European
Data Protection Day**

Adopted on 5 December 2007

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Civil Justice, Rights and Citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No LX-46 01/43.

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm

Resolution on Data Protection Day on 28 January 2008

The fundamental right to privacy and in particular the right to informational self determination remain the lifeblood of our modern information societies even in times where the fight against terrorism and organised crime makes it harder to strike the right balance between security demands and the protection of individual rights. A transparent citizen will never be compatible with human dignity.

These are the main conclusions from the members of the Article 29 Working Party on Data Protection Day 2008 which falls on 28 January. In light of current developments the data protection community has to remain vigilant to prevent a surveillance society which now seems to engulf all spheres of private life.

The fight against terrorism and organised crime is necessary and justified. Personal information might be a useful tool in this fight but can't be considered a panacea to solve the challenges resulting from terrorism and international crime. For that reason, any measures aimed at curtailing the freedom of citizens have to be proportionate and effective. It is one of the essential duties of the data protection community not only to warn of dangers that restrictive measures proposed by law enforcement agencies might pose, but to show alternatives which are less intrusive and more privacy enhancing. For that reason in the past, the Art. 29 Working Party has always favoured tools such as privacy enhancing technologies (PETs) which mitigate the impact privacy intrusive measures might have and will continue to do so in the future. The pseudonymisation of personal data is one example how personal information can be processed without encroaching on individuals' privacy. Technical solutions that strike the right balance between security demands on the one hand and the right to privacy on the other are available and must be harnessed wherever possible. The further promotion of such modern techniques and a constructive dialogue with all stakeholders will remain among the crucial tasks of the data protection community.

Europe is conceived as an area of freedom, security and justice, and freedom comes and must remain in first place. In a democratic society nobody should feel constantly spied on or monitored wherever they are. The increasing appetite of law enforcement agencies to collect and store data of citizens for later use is a worrying development. Personal data and often even sensitive information of millions of innocent citizens who are under no suspicion are retained for many years to come and allow for the reconstruction of their communication and travel patterns. The general retention of telecommunications traffic data by telecommunications companies and the debate on a European system for the collection and storage of passenger data are only two examples which clearly illustrate this dangerous encroachment on the private sphere of EU citizens.

Other initiatives in this field foresee the collection of fingerprints, or aim to monitor the road movements of drivers.

The European Data Protection Commissioners also stress their indispensable role as guardians of privacy in modern information-based societies. Their complete independence is crucial and not open to debate if they want to fulfil their important tasks and serve the best interest of their citizens. Their critical voices in public debates are more necessary than ever in a globalised world where the exchange of personal data has never been so easy. The protection of privacy remains one of the main challenges in such a constantly changing world.

Done at Brussels, 5 December 2007

*For the Working Party
The Chairman
Peter SCHAAR*