

Data protection as a bulwark for digital democracy

Keynote speech at the 6th International e-Democracy 2015 Conference on Citizen rights in the world of the new computing paradigms

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Ladies and gentlemen,

It is a pleasure and a privilege to speak with you today.

I would like to thank the Scientific Council for the Information Society and the Hellenic Data Protection Authority for their kind invitation.

This conference coincides with the UN Summit on Climate Change in Paris, the greatest ever diplomatic effort to address a man-made problem which puts future generations of men and women at extreme risk.

The physical environment is the most pressing challenge facing us all. It is the result of decisions which have been taken in the name of industrial progress.

It is *innovation* - beginning with the internal combustion engine in the 18th and 19th-that has had such a transformative effect on human prosperity and, as a result of the human rights movement, human freedom.

But the decision to burn fossil fuels to power industry and mass consumption has also resulted in devastating externalities. We are now starting to count the cost. At last there is a global consensus that we cannot continue on this trajectory.

I believe that, in the digital environment, we are witnessing a similar rude awakening.

Indeed, data has been described as 'the pollution problem of the information age and protecting privacy is the environmental challenge.'

Every day, we create 2.5 quintillion (a billion billion) bytes of data

An average visit to a single website results in over 50 instances of data collection.

Already in 2013 we were told that 90% of all data in the world was generated in the previous two years.

And this is before the Internet of Things really takes off. There are now 4.8bn connected devices, by 2020 there will be 25 billion – telemedicine, vehicles, smart meters, sensors for smart cities.

And yet, in a Eurobarometer survey this year it was revealed that:

- six out of ten citizens do not trust online businesses;
- two-thirds are concerned at not having complete control over the information they provide online;
- seven out of ten are concerned about their information being used for a different purpose from the one it was collected for;
- two-thirds think it important to be able to transfer personal information from an old service provider to a new one.

This is the background for the General Data Protection Regulation.

The GDPR has now been the subject of intense negotiation for almost four years.

It is a fine example of the maxim attributed to Otto von Bismarck: "laws are like sausages: it is better not to see them being made."

But we can now be confident that the European Parliament and the Council and only a few weeks away from political agreement.

Data protection is a democratic value and it can reinforce democracy in the digital age.

The GDPR aims to harmonise the standards according to which personal data are processed.

It is a long and complex piece of legislation which will probably remain in force for a generation – for the next 20-30 years – assuming that its lifespan follows that of the 1995 Directive.

It is impossible to predict how digital technology will have transformed our society in 20 years' time, by 2035.

When the data protection directive was adopted, no one could have imagined the reach of the internet into every aspect of our lives, or that each of us would be carrying around a powerful personal computer, in the form of a smart phone, in our pockets.

Technology should be a force for good.

That is why I have urged the lawmakers in the Parliament and the Council to ensure that the new rules enable technology to flourish.

The EU's data protection framework is meant to facilitate data flows, not to obstruct them.

But data protection rules are necessary in order to safeguard individuals against unfair decisions using information about them. The rules enable us to be free to develop our own personalities: to participate, to exercise our freedoms in a democratic society.

Allow me to offer some reflections on the substance of the reform which is now taking place.

The EDPS as an independent institution firmly supports the aim of harmonising rules on data protection in the EU.

We now have a unique opportunity to strengthen data subjects' rights and the accountability of data controllers in public and private sectors - in order better to protect fundamental rights and freedoms in a modernised way; to lead by example around the world with global partnerships in the interests of the individual.

In other words I see a window of opportunity to apply existing principles more effectively in the world of big data.

This will require contribution from all of you since the regulation will be complemented by national provisions on specific areas of data protection such as in e-government, welfare and e-democracy.

So this is a fantastic opportunity for us to work together.

Ladies and gentlemen,

Data protection is not, per se, about privacy. Privacy is a separate right in the Charter of Fundamental Rights of the EU.

Data protection is about power: who does what, and how they do it responsibly and accountably.

That is why data protection is such an integral bulwark of our democracy.

Democracy depends on trust and legitimacy. We need to be sure that the expression of popular will in the ballot box, exercised by every citizen during elections, is freely given and genuine. Those are principles which data protection supports.

With e-democracy, the potential and challenges of the digital environment are magnified onto an almost existential scale:

- technology can open up new opportunities for popular participation in government and holding government accountable;
- but technological solutions e-voting can also be attacked and disrupted, undermining the legitimacy of results.

A hacked election would be devastating for democracy.

The answers to these challenges will be discussed today and tomorrow. Data security will be a recurring topic. With the GDPR, integrating privacy by design in product development will become an integral requirement for data controllers, not an optional extra.

That is why we are bringing together engineers, developers and legal experts to generate ideas and fresh thinking, with the Internet Privacy Engineering Network, or IPEN.

This conference consists of a rich programme of topics and some excellent speakers.

My colleagues and I in the office of the EDPS would very much like to hear of your conclusions and for information on what is planned next with this fascinating project.

Thank you for listening.