

# A New Year, a new chapter

By Giovanni Buttarelli

European Data Protection Supervisor

2015 was a year of some heart-warming highs. Despite the legalisation of same-sex marriage in Ireland, the birth of a royal baby in the UK and a climate change agreement to round off the year, 2015 is unfortunately more likely to be remembered for the lows: the Greek debt crisis, wars resulting in the refugee crisis in Europe and numerous terrorist attacks globally. How will 2016 be remembered when we look back?

As we start the New Year, we should aim high. To paraphrase my respected colleague, Jean-Claude Juncker, we should aim for honesty, unity and solidarity.

Today, people and goods move across borders like never before. The numbers, the rate and the impact of this movement prompt often knee-jerk, but predictable, reactions from authorities to further control who goes where or when. Monitoring criminal activity, people or drug smugglers, managing refugees or terrorists as we are witnessing now, are all legitimate reasons for doing so.

But public fear, anger and anxiety at this time of crisis is being exploited – whether knowingly or not – to promote new legislation or other instruments, as we have seen with EU Passenger Name Records (EU PNR) or the now invalid EU data retention directive. This of course is not a new phenomenon.

There was not much Union in Europe in her efforts to tackle the refugee crisis last year. The trend in the rhetoric and in some proposals seem to suggest that citizens must be prepared to give up more of their fundamental rights for the state to keep them safe. Our fear is that the value of privacy is being reduced as individuals are persuaded to disclose more information about themselves to minimise the real or perceived risks.



---

As we begin 2016, I intend to encourage a discussion on the ethical dimension of future technologies to prevent individuals being reduced to mere data subjects.

---

But giving up privacy does not necessarily result in greater security. And greater security does not require the loss of privacy.

The strengths of our societies lie in our rights and freedoms. When climates of fear and suspicion are created, divisions between those controlling and those who are controlled will be deepened.

Social transparency is increasingly touted as the norm, and much is justified and accepted as a result; how much has been introduced since the Twin Towers in New York were attacked – mandatory data retention, massive surveillance programmes, exchange of passenger name records and the like – all in the name of reducing the risk from terrorists and protecting democracy.

In general terms, law enforcement agencies have not lost their capabilities since these and subsequent attacks rather their capacity for intelligence gathering has increased. We must start being honest about whether the risks we face have truly been reduced. It's time now for inclusive, Europe-wide and global cooperation. Balancing data collection and privacy rights will take a collective effort to design governance and support systems for the digital civil society, whether it's to combat terrorism, crime or for commercial purposes.

As the understanding that dignity is important spreads, we will want more opportunities to protect our privacy but we also need to be clear about exchanging personal data for incentives, whether those incentives relate to increased security or consumer benefits.

We should value our privacy because the control of our own personal information is essential to our sense of self.

Indeed, this is not easy to do in our fast-paced lives and the various challenges they encompass. That's why as we begin 2016, I intend to encourage a discussion on the ethical dimension of future technologies to prevent individuals being reduced to mere data subjects. My independent institution, the European Data Protection Supervisor (EDPS) will set up an external Ethics Advisory Group. The group will advise on a new digital ethics that allows the EU to realise the benefits of technology for society, whether for security or economic reasons, in ways that reinforce the rights and freedoms of individuals while retaining the value of human dignity.

The internet has evolved such that the tracking of people's behaviour has become routine for many intelligence agencies, not to mention an essential revenue stream for some of the most successful companies. But just because a practice is legal, does not mean that it is wise or just. That is why I am calling for a critical assessment and the search for workable alternatives.

I encourage the EU to explore whether targeting resources and efforts on known suspects would be more effective than the mass surveillance and data collection of the population at large. It is neither necessary nor proportionate that the many should pay for the crimes of the few.

My organisation wants to stimulate an informed discussion particularly in the EU, with policy makers and other experts. By engaging in dialogue, we hope to bring into focus the challenges of big data to the rights of privacy and data protection.

I encourage companies and other organisations that invest in finding innovative ways to use our personal data to use the same innovative mind-set when implementing data protection law.

While history may not repeat itself exactly, the various challenges to our security and fundamental rights are certainly familiar. We must break the cycle and deal with these challenges in a more rational and dignified way. The EU can lead by example in her approach to the various challenges we now face. We can invite the rest of the world to join us in our endeavours since we all want to protect our values and ways of life. We're all in this together, a world community.

<http://neurope.eu/article/a-new-year-a-new-chapter/>