



Civil liberties groups European Digital Rights (EDRI) and the German Working Group on Data Retention (AK Vorrat) are calling on the European Union to repeal the 2006 directive on the data retention of electronic communications.^[1] In the event that the directive is not repealed, they demand that it is amended to introduce an opt-out right allowing Member States to decide whether or not to require the retention of communications data.

In a statement to the European Commission published today,^[2] AK Vorrat points out that the directive has resulted in less liberty for citizens, in a constant threat that information on personal contacts, mobile phone movements and Internet use may be sold, lost or otherwise cause harm, as well as in higher prices for telecommunications services and in less competition.

In a legal complaint regarding the directive filed with the European Court of Justice in 2006 and disclosed today on the Internet,^[3] Ireland pointed out that initially, many countries had not imposed any data retention requirements, and that "no issue relating to the internal market could justify the imposition upon a Member State of an obligation to require telecommunications operators to retain data [...] where no such obligations previously existed under the law of that State".

In several Member States, courts examined and are examining complaints filed by citizens and telecommunications operators, alleging that the indiscriminate collection of communications data violates the human right to privacy. Constitutional Courts in Romania^[4] and Bulgaria^[5] have already ruled data retention legislation unconstitutional. The German Federal Constitutional Court will hear complaints filed by over 34'000 citizens in December.^[6] Another action is pending in Ireland,^[7] while an application to the Constitutional Court of the Czech Republic is currently being prepared.

"In a landmark decision taken last year, the European Court of Human Rights declared illegal a British DNA and fingerprints database, stating that 'the blanket and indiscriminate nature of the powers of retention [...] constitutes a disproportionate interference' with privacy and 'cannot be regarded as necessary in a democratic society.'^[8] The same is the case with the blanket and indiscriminate collection of information on personal contacts, mobile phone movements and Internet use", comments legal expert Patrick Breyer (AK Vorrat). "Anonymity is indispensable for a multitude of activities in a democratic state. Subjecting all citizens to a constant recording of whom they are in touch with is threatening to undermine or even destroy democracy while ostensibly defending it. The Commission must put an end to this Big Brother law now."

"EDRI and its members have been campaigning against this directive for years,^[9] arguing that such data retention is necessarily a hazardously invasive act. Communication data is well beyond being simple logs of who we've called and when we called them. Traffic data are now used to create a map of human associations and more importantly, a map of human activity and intention," reminds Meryem Marzouki (EDRI). "With the growing use of massive national databases, and the current plans towards their interoperability at EU-level and full access for police purposes, the data retention directive paves the way to further extensions of purposes, where data once collected strictly for the requirements of a given service delivery become used for citizens surveillance and social control, when not for intelligence purposes. This is not acceptable in a democratic society, and should be ended now."

Footnotes:

1. [Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.](#)
2. [Full Statement in German](#) and [summary of Recommendations in English.](#)

This press release is also supported by:

- Dutch speaking League for Human Rights (Liga voor Mensenrechten) - Belgium
- French speaking League for Human Rights (Ligue des droits de l'Homme) - Belgium
- Flemish Bar Association (Orde van Vlaamse Balies) - Belgium
- French and German speaking Bars of Belgium (Ordre des Barreaux Francophones et Germanophone) - Belgium
- General Association of Professional Journalists in Belgium (AGJPB - Association générale des Journalistes Professionnels de Belgique - AVBB : Algemene Vereniging van Beroepsjournalisten in België) - Belgium
- Statewatch - UK
- Werebuild.eu - Sweden

European Digital Rights

European Digital Rights (EDRi) is an international association of civil rights organisations whose aim is to protect the privacy and freedoms of citizens in the information society.

Homepage and contact details: <http://www.edri.org>

Arbeitskreis Vorratsdatenspeicherung (German Working Group on Data Retention)

The Arbeitskreis Vorratsdatenspeicherung (AK Vorrat) is a Germany-wide organisation which campaigns against extensive surveillance in general and the blanket logging of telecommunications and other behavioural data in particular.

Homepage und contact details: <http://www.vorratsdatenspeicherung.de>