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## PRESS RELEASE

### **Launching the website “retain your privacy”: Campaign against the Belgian transposition of the European directive on the retention of data**

By means of a website ([www.bewaarjeprivacy.be](http://www.bewaarjeprivacy.be) for the Dutch version or [www.preservetavieprivee.be](http://www.preservetavieprivee.be) for the French version) and a petition, a wide platform of organisations has launched a campaign against the Belgian transposition of the European data retention directive. These organisations include the Flemish and Walloon League for Human Rights, the Flemish and Walloon Bar, the Flemish and Walloon Association of Journalists, the Belgian Order of Physicians and a Belgian association for Telecom and Internet customers.

The platform of the above-mentioned organisations took the initiative for this campaign in the sincere conviction that a general obligation to retain traffic and location data can't solve the assumed security problem. The organisations do not only denounce the violation of the right to privacy, but also the interference with the professional confidentiality of doctors, lawyers and clerics, as well as the interference with the protection of informants from journalists. Moreover, a general and preventive obligation to retain traffic and location data can't protect us from terrorism or crime. Therefore, we call on the Belgian population to sign the petition.

The Belgian plans for the transposition of the European data retention directive (Directive 2006/24/EC) are becoming ever more concrete. This European directive, which was adopted very quickly without the necessary reflection or deliberation and which was strongly criticised throughout the European Union, compels telecom operators and Internet providers to retain traffic and location data. This concerns more specifically information on the source, the destination, the date, the time and the duration of the communication together with the communication equipment and its location. With this directive, the European Commission and the Council of the European Union seek to guarantee that such data are available for the investigation,

detection and prosecution of serious criminal offences.

The organisations who initiate this campaign understand that retaining traffic and location data can sometimes be indispensable. However, they are not convinced that a **general** obligation to retain data is necessary nor that less drastic measures, such as data preservation (the retention of telecommunication data with respect to certain criminal offences where there are tangible suspicions and an authorisation by an independent judge) are no longer sufficient. After all, a general and preventive obligation to retain traffic and location data represents a serious violation of the right to privacy and implies that each citizen is potentially dangerous.

Moreover, a general obligation to retain data interferes with the professional confidentiality and the protection of informants of doctors, lawyers, journalists and clerics, as well as with political and business activities which require confidentiality. Furthermore, the need for a general obligation to retain data was never proven on European or Belgian level and various experts point out that this obligation can't protect us against terrorism or crime. On the other hand, we will almost certainly be confronted with the risks that are related to introducing a general obligation to retain data. On top of that, it will be the citizen that has to pay for the surveillance that is directed towards him; this might be through higher subscription prices with service providers, or it might be through higher taxes with which the government will compensate the service providers.

**The organisations who initiated this campaign consequently call on the Belgian government not to transpose this European Directive into national law and to initiate actions to annul, or at least adjust, this Directive at European level. Alternately, we wish to emphasize that the way in which the Belgian government would introduce the data retention scheme is susceptible to serious criticism.**

If, despite the above, the Belgian government chooses to transpose the European directive into Belgian law, it must carefully consider how it wishes to implement this obligation. The bill that is up for discussion at the moment merely introduces the principle of a general and preventive obligation to retain data and says that all crucial aspects (such as the list of data to be retained and the conditions and actual period of retention) are to be determined by Royal decree. The initiators of this campaign, however, are of the opinion that these elements are so fundamental that they need to be thoroughly discussed in the Chamber and Senate. The ministry of Justice used to defend the current course of action by referring to the European deadline of March 15, 2009 which they wished to adhere to at all costs. However, this was a weak argument to avoid the consultation of the democratic institutions and the Belgian population, especially since the deadline has expired in the mean time.

Even the recent adjustment to the draft bill to reduce the retention period from 24 to 12 months doesn't meet the critiques of the initiators of this campaign. The draft bill also exceeds the demands of the data retention directive by demanding telecom operators and Internet providers for example to retain the mode of payment of their customers up to 1 year after the latest registered communication.

With the website [www.bewaarjeprivacy.be](http://www.bewaarjeprivacy.be) or [www.preservetavieprivee.be](http://www.preservetavieprivee.be) the initiating organisations wish to inform and sensibilise the citizens on the scope and

implications of this general obligation to retain traffic and location data. With the accompanying petition -which can be found on <http://bewaarjeprivacy.be/nl/user/register> or <http://bewaarjeprivacy.be/fr/user/register>- Belgian citizens who are worried can express their dissatisfaction. Ultimately, this petition will be presented to the involved ministers of the Belgian federal government and to the national deputies and senators who will eventually have to vote on the plans regarding the general obligation to retain data.

Additional information on the Belgian data retention scheme can be found on the website [www.bewaarjeprivacy.be](http://www.bewaarjeprivacy.be) or [www.preservetavieprivee.be](http://www.preservetavieprivee.be). For further information on the campaign, you can use the contact form available on the website.