

German statistics prove telecommunications data retention superfluous (21 Mar 2011)



The recently published police statistics^[1] on crime in Germany's most populated state of North Rhine-Westphalia (NRW) reveal that after data retention was discontinued in Germany following a Supreme Court ruling, the number of detected criminal offences committed on the Internet declined. Also Internet crime was cleared more often than offline crime even without blanket retention. These figures support the position of civil liberties activists who strictly oppose any bulk retention of telecommunications data of law-abiding citizens.

Not a single fact in the new NRW police statistics supports the assumption that the end of blanket data retention in March 2010 in Germany might have resulted in a rise of Internet crime. On the contrary: in 2010 "thus mainly after the end of data retention in Germany" 11.8 % less cases of Internet-related crimes were registered by NRW police than during the previous year (2006: 60,591, 2007: 56,432, 2008: 25,880, 2009: 54,811, 2010: 48,411). This drop cannot be due to the end of data retention, since communications data can be accessed and used only after a crime has been reported.

The statistics also refute the myth spread by some politicians and police representatives of the Internet being a "a lawless space" without a mass retention of telecommunications data of non-suspects. Even without such blanket data retention, NRW police cleared nearly two out of three Internet offences (64.4%) in 2010. Internet crime was actually cleared more successfully than offline crime (49.4%). Child pornography on the Internet was also cleared more often (60.8%) than the average criminal offence.

"Since Internet crime clearance rates are above average even without data retention, the recent proposal put forward by the German Minister of Justice to retain Internet dial-up data for seven days must be dropped at once", explains Florian Altherr, member of the German Working Group on Data Retention. "99.6% of Internet users are never even suspected of any wrong-doing. The protection of 49 Mio. Internet users in Germany from unjustified suspicions, data abuse and data loss as a result of data retention must not be negotiable because of 'parliamentary constraints'. The German liberal party (FDP) must stand by its word to reject any kind of data retention without cause."

Patrick Breyer, member of the German Working Group on Data Retention, adds: "Compared to 2009, the Internet crime clearance rate has declined. This corresponds to a long-term trend (2007: 84.0%, 2008: 76.9%, 2009: 77.3%, 2010: 64.4%) and is not demonstrably related to the end of data retention. It is quite normal that in the long run, Internet crime will not be cleared any more often than other kinds of crime (49.4%)."

The distribution, possession and procurement of child pornography has continued to decline in NRW after the end of blanket data retention (2008: 1.668 cases, 2009: 1.536 cases, 2010: 1.503 cases). Only 2.5% of Internet crime in NRW is related to child pornography while 80.7% concerns fraud. Illegal pornography distributed via the Internet represents less than 0.1% of all recorded crime (street crime: 28%, violent crime: 4%). 96.6% of all crime detected in NRW in 2010 was committed offline.

"The irresponsible fear campaign and constant scaremongering by some politicians after the annulment of the German data retention law finds no justification in reality", says Michael Ebeling of the German Working Group on Data Retention. "The truth is that with targeted investigations of suspects only we live just as safe as we would with a policy of indiscriminately retaining all communications data. The constant exaggeration of emotionally charged descriptions of isolated cases combined with a massive media campaign is inappropriate and questionable. From my point of view this is nothing less than a populist argumentation for a re-introduction of data retention in Germany which is opposed by nearly 70% of Germans^[2]."

Diagrams:

Number of registered Internet offences

source: statistics provided by North Rhine-Westphalian Crime Agency (LKA)

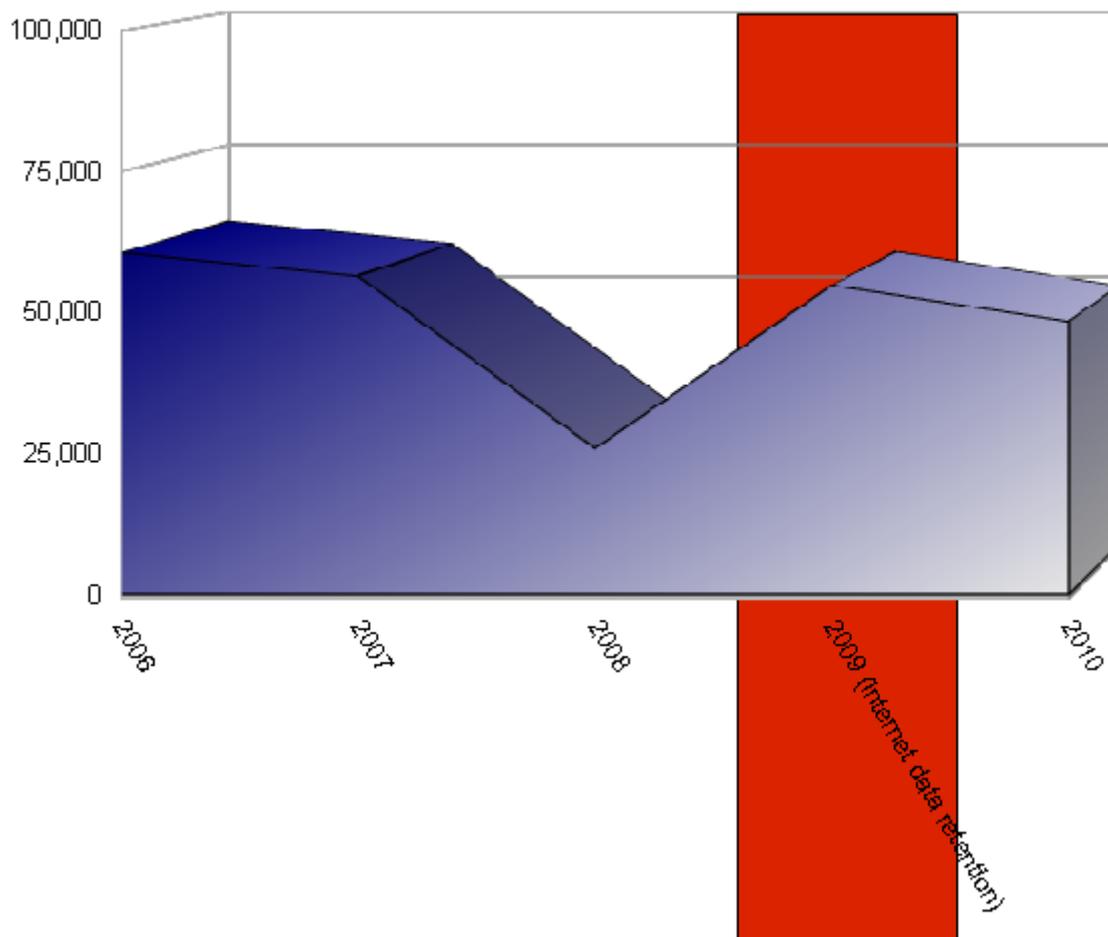


Diagram 1: After data retention was discontinued in Germany following a Supreme Court ruling, the number of detected criminal offences committed on the Internet declined.

Internet offences and offline crime

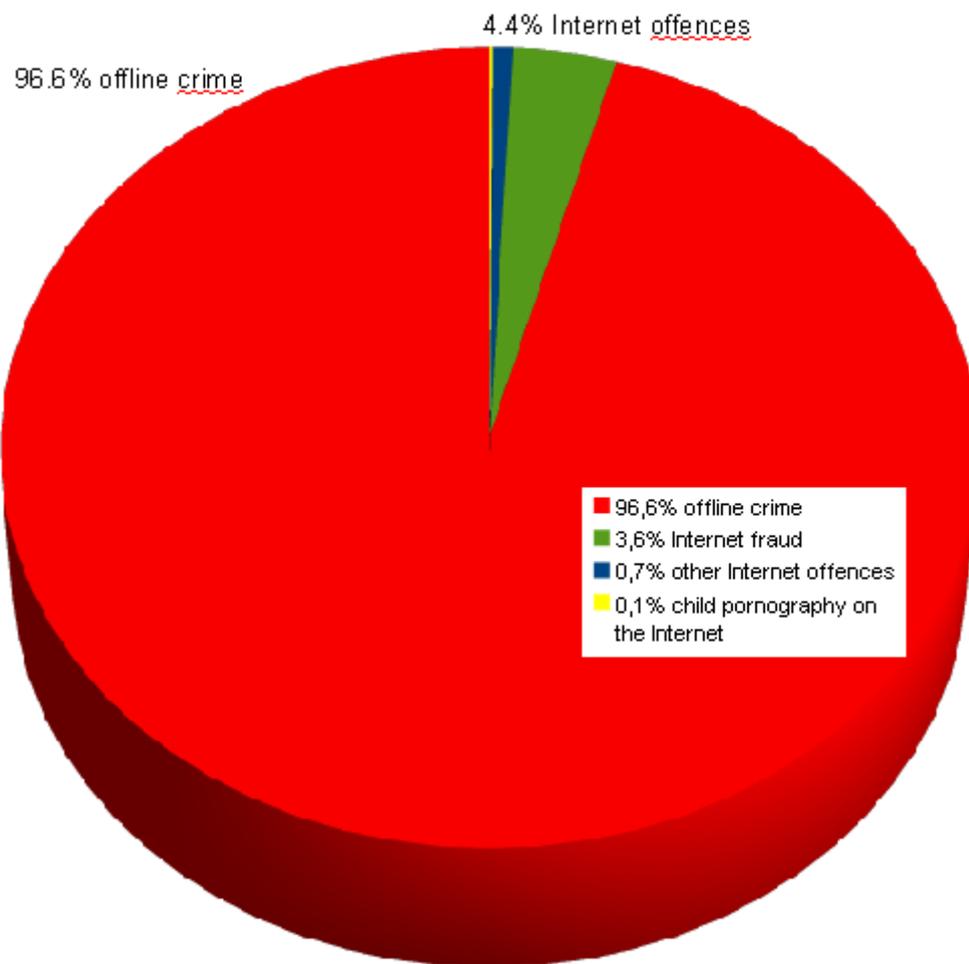


Diagram 2: 96.6% of all crime detected in NRW in 2010 was committed offline.

Clearance rate for Internet offences in 2010

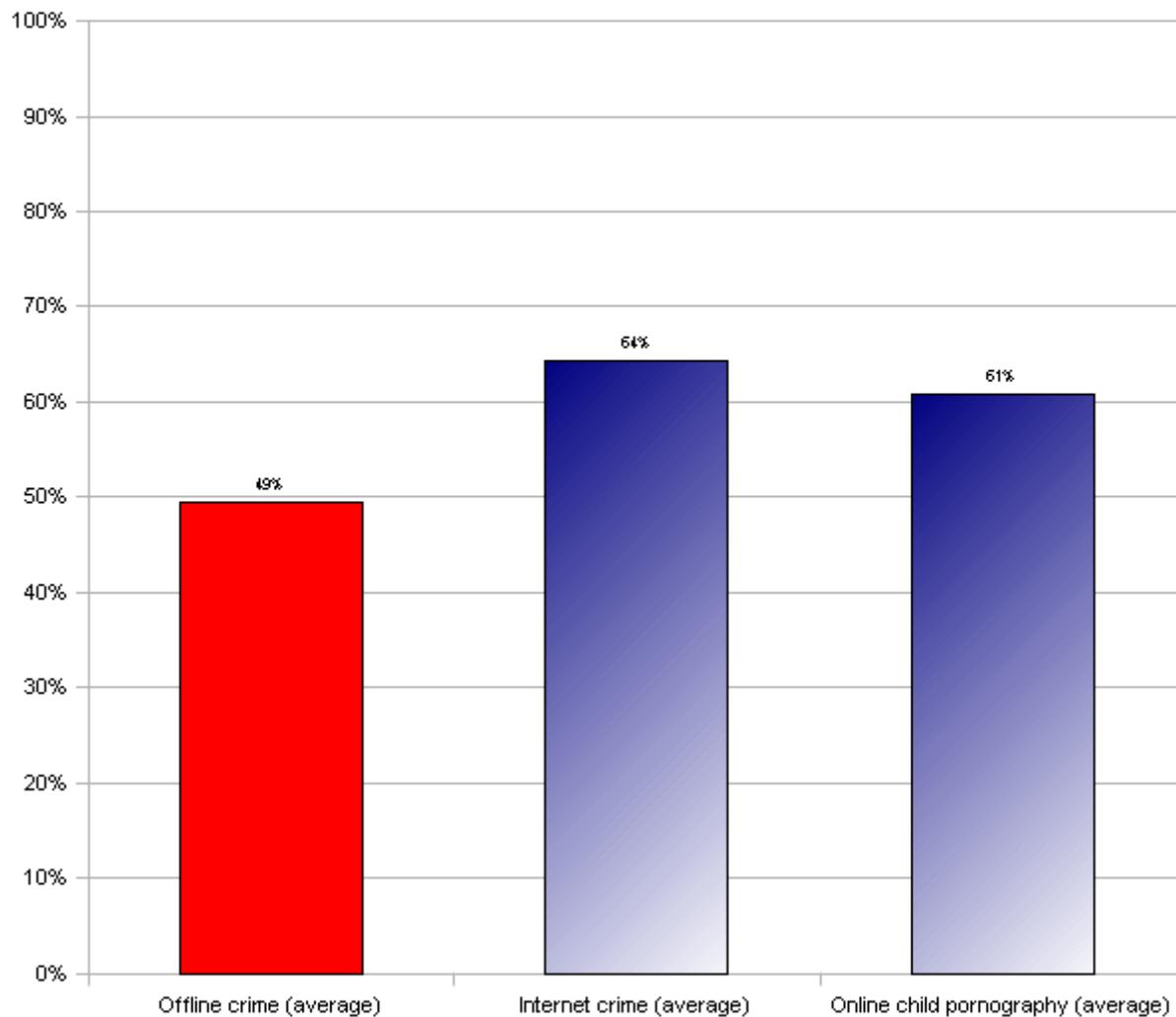


Diagram 3: Even without blanket data retention, Internet crime is cleared more successfully than offline crime.

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