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Pressrelease

from **Forum Computer Professionals for Peace and Social Responsibility (FIfF) e.V.**
and **German Organisation for Data Protection (DVD) e.V.**



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The EU wants to know:

- who you have phoned with and when**
- who you have exchanged e-mails with and when**
- who you have sent short messages via mobile phone to and when**
- which internet pages you have been visiting for how long**

And they want to keep those information for up to three years.

If the demands of Great Britain, Ireland, Spain and France are transformed into law, any telecommunication company and internet (service) provider in the EU shall be obliged to store the traffic data of their customers for between 12 and 36 months. This would refer to all telecommunication and internet usage. So far it is only allowed to keep those data for up to six months after the invoice has been sent to the customer. An exemption is granted when there are lawful reasons regarding a suspected crime. If the new law is being introduced, 450 millions of telecommunication customers in the EU will have their traffic data stored for at least 12 months. The reason for this step? It can not be precluded that phone, SMS, MMS, e-mail or the internet is used for a crime.

Werner Hülsmann, member of the board of the "Deutsche Vereinigung für Datenschutz e.V. (DVD)" (German Organisation for Data Protection) and the "Forum InformatikerInnen für Frieden und gesellschaftliche Verantwortung e.V. (FIfF)" Forum Computer Professionals for Peace and Social Responsibility): "The draft of this law is not only against the right of informational self determination and therefore against the German constitution. In 1983 the highest court in Germany, the Bundesverfassungsgericht

(BVerfG) has judged such a data retention unconstitutional. Furthermore those plans are contrary to Article 8 of the Convention for Protection of Human Rights and Fundamental Freedoms."

Regarding the usage of phones, the demand for data is more than just wanting to know which phone number was called by whom for how long. Moreover it shall be stored which kind of phone the caller has used, if it comes to mobile phones the place where the caller has been is also among the data requested. The list of data items goes on: who has sent any short or multimedia message (SMS, MMS) to whom, which e-mail was sent from one address to another, which website was requested and how much time did the user spend on that site.

Highly sensitive personal profiles can be established with the help of this data. Calling your doctor or a self help group, connecting websites of those groups - all this communication data allows conclusions regarding a user's health or social problems to be drawn. Even if those data items shall only be handed over to the criminal prosecution authorities after a judicial decision was made, abuse can not be excluded.

Data Retention is neither necessary nor purposive. You can see that it is mainly meant to aim at the innocent citizen by realizing that members of the international terrorism and organized crime can easily avoid being tracked by these measures. All they need is a bit of technical knowledge and effort. For example traces can be blurred by exchanging mobile phone cards or by manipulating the identification numbers of mobile phones or other devices.

If it comes to Data Retention, FifF e.V. and DVD e.V. are of the same opinion as the Federal Institution of the Industry (BDI = Bundesverband der Industrie), the German Chamber of Industry and Commerce (DIHK = Deutscher Industrie- und Handelskammertag), as well as the associations of phone companies and internet providers: Data Retention, regarding all traffic data of telecommunication, does not lead to more safety nor to a higher potential for solving crimes, but it only leads to higher costs regarding telecommunication services.

Werner Hülsmann, computer scientist, says: "If you listen to the speaker of the French criminal prosecution authority at a public EU Data Retention workshop, you can cut the whole story short: "We do not really know which telecommunication traffic data we need for our investigations, therefore we would like to have them all. And as our investigations will take a long time, we want to have those data for as long as possible." Even a critic of those measures would not have been able to stress out their lack of proposition any better." The measures do not only refer to those being suspected but to all 450 million people living in the European Union, no matter if they are under suspicion or not.

Data Retention's incredibly high costs - experts estimate tens to hundreds of millions for one provider - will hardly be paid by the EU states but rather by the provider and telecommunication service provider. In Germany this is already being lawfully regulated if it comes to telecommunication surveillance. Costs will finally be passed on to the customer via higher prices for the services. Developing the information society would be retarded when Data Retention would be put into place, projects or initiatives for open internet access (which are on the rise, not only in Germany) would be impossible as the costs of Data Retention could not be paid by those private initiatives or by small companies.

Europe's citizen shall pay those unnecessary and unpropositional measures by paying more for making phone calls, sending short messages or using the internet. They are not only restricted in their constitutional right to untapped communication in an impermissible way - they are, in addition, forced to pay for this infringement. Werner Hülsmann finally declares: "It is not too late to avert those plans which will not lead to more safety but rather to more surveillance. We urge all democratic forces to help us prevent another step into a state of surveillance."

End of the press release.

For further inquiries or information please do not hesitate to contact us.

signed Werner Hülsmann (committee member)
for the **German Organisation for Data Protection (DVD) e.V.** (www.datenschutzverein.de) and
the **Forum Computer Professionals for Peace and Social Responsibility (Fiff) e.V.** (www.fiff.de)

Supporting Organisations:

Der Große Bruder - Peter Ulber, committee member (www.dergrossebruder.org)

FoeBud e.V. (www.foebud.de)

Netzwerk Neue Medien e.V. - Markus Beckedahl, chairman (www.nnm-ev.de)

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