"Fundamental Rights are Fundamental"

Statement of Leading Digital Rights and Consumer NGOs

37th International Conference of
Data Protection and Privacy Commissioners
Amsterdam, The Netherlands

We join together this week in Amsterdam, celebrating the success of Max Schrems in the case before the European Court of Justice concerning Safe Harbor. NGO leaders around the world have expressed support for Max's courageous legal battle, and we have praised the landmark judgment of the Court. The Court of Justice reaffirmed the fundamental rights of privacy and data protection in our modern information economy. The Court made clear the responsibility of national data protection agencies to safeguard fundamental rights.

We also recognize the important work underway by privacy officials, civil society, and innovators around the globe to safeguard personal freedoms. The challenges to privacy and data protection are never ending. We acknowledge and thank those who work to make our lives a little safer and a little more secure.

Within the NGO Community, we have worked for many years to advance the right to privacy. Beginning in 1999, the TransAtlantic Consumer Dialogue (TACD) first called attention to the weaknesses of the Safe Harbor regime. We urged lawmakers to update privacy laws and address growing concerns among consumers about data abuse. Ten years later, the Public Voice gathering at the Commissioners conference in Spain issued the Madrid Privacy Declaration, widely endorsed by NGOs and experts around the world. More recently, civil society leaders on both sides of the Atlantic have called for new legal protections to end mass surveillance and to restore trust and confidence in the digital economy.

It is against this background that we express concern about the conference this year in Amsterdam.

We were surprised and disappointed that the conference organizers this year focused on a report recommending actions that would do little to change the business or government behavior that threatens privacy and data protection. The report recommends no substantive changes in law. Particularly after the Safe Harbor decision, the "Bridges report" is remarkably out of touch with the current legal reality and what we need to do to address it.

The failure of the Amsterdam conference to engage with the many new challenges, from "Big Data" to drone surveillance, is also a lost opportunity. The practical consequence of focusing instead on failed policies, such as self-regulation, will be to make more difficult the work of the privacy experts around the world who could have otherwise benefitted from a meaningful discussion about how to move forward on legislation, aggressive enforcement, and other steps that are long overdue. Yes, they are difficult; all the more reason why we need to act now.

Digital rights organization and consumer NGOs call on the Data Protection Commissioners to refocus their attention on the need to update and enforce privacy law.

There is a long tradition of civil society engagement with the annual conference. There has always been a "constructive tension" between the Data Protection commissioners and civil society. But we have always shared a common goal – the strengthening of fundamental rights and the protection of privacy and data protection. Toward those objectives, we remain united.

We look forward to conferences that actively support and encourage discourse with civil society about the future of privacy and data protection.

28 October 2015

Access Now
AKVorrat
Asociatia pentru Tehnologie si Internet (APTi)
Bill of Rights Defense Committee
Bits of Freedom
Center for Digital Democracy (CDD)
Chaos Computer Club
Constitutional Alliance
Consumer Action
Consumer Federation of America
Consumentenbond
Consumer Watchdog
Cyber Privacy Project
Defending Dissent Foundation
EFFi
Electronic Frontier Foundation (EFF)
Electronic Privacy Information Center (EPIC)
European Consumer Organization (BEUC)
European Digital Rights (EDRi)
Friends of Privacy (US)
Norwegian Consumer Council
Patient Privacy Rights
Panoptykon Foundation
Privacy International
Privacy Rights Clearinghouse
Privacy Times
Transatlantic Consumer Dialogue (TACD)
Vrijscrift
(as of 27 October 2015, 0830 EDT)

REFERENCES

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European Digital Rights [https://edri.org/]
Madrid Privacy Declaration
[http://thepublicvoice.org/madrid-declaration/