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EUROPEAN DATA PROTECTION SUPERVISOR

The EU's independent data
protection authority

Brussels Privacy Symposium

“Vulnerable People, Marginalization and Data Protection”

organized by the Brussels Privacy Hub (VUB) and
Future of Privacy Forum (FPF)

Keynote Speech

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Good evening, thank you for inviting me to speak at the end of this event today.

Thank you to **Future of Privacy Forum**, to Gabriela and Jules, and to **Brussels Privacy Hub** for convening a conference on this important topic. I am also happy that today has served as an occasion to officially launch the project VULNERA, which will aim to promote a mature debate on what it means to be vulnerable and what it means to be fragile within the landscape of data protection.

In one of the first drafts of the EDPS strategy from 2020, the first, opening sentence went as follows:

Human dignity is fragile.

50 versions of the draft later, nothing was left from this sentence, as the strategy moved to discussing and addressing big and “trendy” topics. The past 2 years in particular are **full of big concepts**: AI, data flows, interoperability, enforcement, transfers, gatekeepers, and the list goes on.

Somehow, the vulnerability of people was not the focus of our discussions in the data protection field. It got **lost along the way**. And yet, the past years, and in a way the past months in particular, have shown how vulnerable we are.

While in jurisprudence “vulnerability” relates to somehow precarious conditions of the individual, it is in fact a **universal human condition**.

This perspective should be at the core of reflections on potentially harmful data processing practices - the specific regime for sensitive data, or for minors, is a reflection of such an approach. The new legislative initiatives of the Commission, the Digital Rulebook, are also somehow rooted in the notion that certain practices interfere more with individual rights and others, and that such practices should be awarded specific regulatory attention.

This is not, however, what I would like to say today. Yes, we are fragile and subject to many potential harms. Yes, some of these harms are being addressed by upcoming legislative initiatives. But some of us are still put in a position of particular disadvantage.

The world of today still marginalizes large parts of communities.

It marginalizes through language. It marginalizes through populism, fears and prejudices.

The developments of policies aimed at ensuring security and protecting EU borders result in an ever-growing blurring of the lines between data collection for migration and for criminal purposes,



between asylum seeking procedures and law enforcement needs. This is a reflection of deeply rooted patterns of how we think of one another, how we treat those who are different.

It **marginalizes by denying equal rights**. Unequal access to justice and unequal titles to claim justice are something the European Union itself still must work on. The insufficient enforcement of the GDPR itself, especially in terms of individual complaints, creates a risk of abandoning those whose privacy has been violated. The Charter has to have a meaning for everybody who engages in whatever form with the EU, especially those at our borders.

Here, a specific role, a specific duty, lies on data protection authorities who are empowered to monitor potentially harmful practices, conducted both by private and public entities. The EDPS is committed to this challenge, for instance recently scrutinizing how Frontex conducts so-called debriefing interviews with migrants at the EU borders and how data collected there feeds into databases.

Lastly, our world **marginalizes through the blind belief in exclusively beneficial outcomes of new technologies**. Children's privacy has never been a more urgent challenge, as shown in the last year's Report of the UN Special Rapporteur on the right to privacy, Joe Cantacci.

I am very grateful to Brussels Privacy Hub (VUB) and Future of Privacy Forum (FPF) for today's discussion. It is **a debate that is lacking** - lost in the noise of discussion panels held these days on privacy, technologies, innovation, compliance, and the future.

So speak. Use your voice. Silence is what allows for hazardous practices to continue. It is when we decide to keep our eyes closed; to not look somewhere, that we let others end up in a situation we wouldn't want to find ourselves in.

And that is why I am hopeful that the discussions today can bring a representative voice to those currently suffering in silence. Because human dignity *is* fragile. And we have a collective duty to protect it.

Thank you very much, and enjoy your evening.

