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**EUROPEAN
DATA
PROTECTION
SUPERVISOR**

The EU's independent data
protection authority

*11th EDEN Conference:
Whisperers of Contrast - Madrid, Spain*

Keynote Speech

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European Data Protection Supervisor

Good afternoon, and thank you for having me.

After a few years of remote or pre-recorded speeches or remarks, I have finally made my way back to the EDEN conference. My warm thanks to the organisers for their patience and persistence!

A few days ago, the EDPS staff had its annual away day. Like always, it was an opportunity to spend quality time together and get to know all “the Family”, but also to reflect on the upcoming EDPS 20th anniversary next year, giving us a chance to discuss ideas that could contribute to the global debate on the role of privacy and data protection in democratic societies.

Of course, during the anniversary year, we are going to say a lot about the history of personal data protection in the EU, especially focusing on public sector, including law enforcement activities and large-scale data resources. But, the next 20 years of the EDPS are more important for us.

Not to spoil the things we are cooking, I’d like to share the convictions, the views held by many on that day, about the need to go beyond the old clichés, paradigms or mantras such as

- “data protection is not an obstacle” or
- “the need to find balance between security and privacy”.

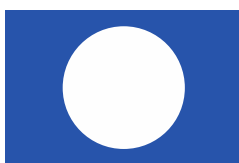
To have an honest and evidence-based conversation on how, in a democracy, we build consensus about dangers existing in the world and ways to address them. To pose and answer questions without being political about it - as often is the case - but realistic about the contexts, issues at stake, individuals’ needs.

In short: to go beyond our bubbles and typical narratives and look at each issue more carefully, with an openness to different perspectives.

When I look at the programme of the conference, I am excited that this approach is taken by the organisers. Starting from the conversation about data retention, which one might see as a meal warmed-up way too many times. But, a more careful observer will notice the developments that might be a sign of something new.

The opinion of the First Advocate General Maciej Szpunar in the so-called Hadopi case, or the establishment of the new High-Level Group under the auspices of the Commission and the Council of the EU dedicated to the topic of data retention with the aim of identifying new approaches - especially when seen in the broader context of quite unprecedented struggles with recognition of the jurisprudence of the Court of Justice on this topic - could, amongst others, be seen as an attempt to progress the debate by bringing new perspectives, going beyond established axis of discussions. This might be particularly pertinent once the judicial procedures concerning admissibility of evidence collected with the use of new technologies come into difficult conclusions.

The possibilities that technologies bring to criminals and, “*au rebours*”, to law enforcement authorities, should also, in my view, be discussed in the broader context of the impact of data, impact of technological developments as such, on societies.



You will not find these questions new. I can hear them being asked for years. For instance:

- Should AI be used to help identify criminals committing minor offences?
- Is there any role for facial recognition?

The answers to such questions should not be debated exclusively on the typical privacy vs security line, but should be part of the democratic debate on what state we, as citizens, want to live in.

And it is exactly because these issues are so delicate and so difficult to bring obvious recipes to that the need to protect and support platforms of conversation (such as EDEN) are more important than ever.

The erosion of democracy starts when decisions impacting individuals are taken without their genuine understanding - quietly, in silence, behind the obscurity of bureaucracy. One does not need to look at illiberal states only. I do observe such examples in the European Union as well, including in EU law.

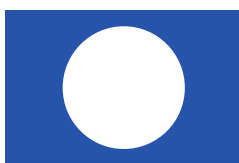
Equally, way too often, political leaders build their popularity on spreading fear, on a sense of insecurity that is so easy to instil in society, on warning against imaginary dangers. It is my deep conviction that those working against real dangers, those like Europol and national law enforcement authorities who know where actual dangers are, have a duty not to feed such narratives, but to inform about threats and challenges that are real. Because, you actually know. This knowledge should be used wisely, for the benefits of democratic society. For it is easily misused by those looking for cheap tools to gain power.

I look forward to the discussions held today and tomorrow when such knowledge will be shared. It is not ideal that often debates concentrate on solutions to somehow pre-defined problems, jumping to conclusions that might seem best at first glance, but they ignore both technical / practical feasibilities as well as these broader societal implications, as is the case, in my view, with the debate on encryption and the CSAM proposal.

And whilst one can be a movie star to advocate a good cause, it is a thorny problem when stakeholders hide behind the notion of civil society, therefore misleading the public, even if unintentionally.

Encryption - one of the key topics to be discussed in the next 2 days - is equally a topic with implications going beyond the interests of criminal or law enforcement authorities. For instance, it seems to me, that sometimes one forgets how the debate on encryption should be inextricably linked to cybersecurity, so critical these days.

I therefore very much welcome the existence and the enthusiasm of the EDEN community, a quite unique forum where different perspectives are welcome in a common effort to progress and inform the debate on issues that, at the end of the day, touch upon the foundations of our democracies.



I would like to thank the management of EUROPOL – especially Ms. De Bolle and Mr Ebner for continuous support for EDEN.

ERA for co-operation

Spanish Ministry of Interior, The Police and Guardia Civil for hosting us in Madrid.

I wish you many successful conversations and a great time here, in Madrid, an informal capitol of the European Union for the next couple of months.

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