

From: [REDACTED]
To: European Data Protection Supervisor
<EDPS@edps.europa.eu>
Sent at: 29/04/22 16:51:34
Subject: Letter to Mr. Wojciech Wiewiorowsky

Dear Sir / Madam,

please find attached a scanned copy of the letter sent by Mr. Gorka Knörr, Representative of the Government of Catalonia to the EU, to Mr. Wojciech Wiewiorowsky.

Yours Sincerely,



[REDACTED]
Secretària de delegat. Responsab le de protocol i relacions institucionals | Secretary of the Representative. Responsab le for Protocol and Institutional Relations

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Mr. Wojciech Wiewiorowsky
European Data Protection Supervisor

Belgium

Brussels, 29 April 2022

Dear Mr. Wiewiorowsky,

I am writing to you regarding the most relevant developments on the human rights situation linked to the Catalan independence movement, with the willingness to update you and your College of Comissaires. Concretely, I would like to share with you the recent information published by CitizenLab, a Canadian laboratory from the University of Toronto specialized in cyber espionage, and titled "[CatalanGate. Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru](#)".

From the Government of Catalonia we have followed with great concern the recent information they have published, together with The New Yorker's article, "[How Democracies Spy on Their Citizens](#)". Both have revealed global mass surveillance programs enabled by Pegasus, a spyware technology designed by the Israeli firm NSO Group.

CitizenLab has found that this software —initially designed for law enforcement agencies to track criminals and terrorists— has been used by at least 45 states, democracies and autocracies alike, to spy on political opponents.

In Catalonia, 65 phones have been found to be infected with Pegasus between 2017 and 2020, constituting the largest documented group of cases with this spyware on record.

This includes public elected representatives —including three former Catalan presidents, the current incumbent, regional ministers and members of both the Catalan and European Parliament— as well as lawyers, journalists and civil society activists, all of them linked to the Catalan independence movement.

According to the investigations, this is all just the tip of the iceberg. There are still hundreds of potentially infected devices that have not been yet analyzed.

Meanwhile, NSO Group claims that Pegasus is sold only to law-enforcement and intelligence agencies, and CitizenLab has stressed that there is strong evidence that the Spanish government has also been using this surveillance tool.

The Catalan independence movement is and has always been inherently pacific, and, let me tell you, deeply Europeanist. The unlawful espionage and surveillance of its leaders is a very serious attack and an unacceptable action unworthy of a European Union Member State.

Posing a dangerous threat to democracy and clearly violating the rights of freedom of expression and the right to respect for private life, to cite a few.



At this crossroads, the Spanish government, as member state of the European Union, should work to clarify the existing links with these spyware operations and all the state actors that hide behind the illegal access to citizens' data and communications. Unfortunately, we are deeply concerned with the fact that this is not being properly addressed by the Spanish authorities. Moreover, after some contradictory versions of what has happened, the Ministry of Defense has recognized and defended in a plenary session of the Spanish Congress the espionage of Catalan political opponents by the Spanish state.

Our demand also goes in line with the European Commission, which has declared that Member States are responsible to dig into the matter and to monitor their security services to ensure that fundamental rights are fully respected.

We do think that this case of mass espionage and *flagrant violation of the data of dozens of people*, which also affects several EU member states, should be examined by the European Data Supervisory Authority, and that is the reason why we are addressing you specially and personally.

Democracy is one of the three main values of the European Union. Fundamental rights such as freedom, equality, the respect for human rights and the rule of law have always been the European Union's guiding principles, and have worked as a *conditio sine qua non* in all of its actions.

Consequently, and given all the above mentioned, we want to share our deep concern about these developments and we call on the European Data Protection body you chair to call for this serious matter to be investigated and for a follow-up to a situation which directly affects the exercise of fundamental rights.

Needless to say that I remain at your disposal for any further information or clarification you may need, as well as to meet you whenever you deem it appropriate.

Thank you in advance for your attention.

Yours sincerely,

Gorka Knörr Borràs
Representative of the Government of Catalonia to the EU