

## ***Solidarity - "The power of the powerless"***

**Closing remarks of the European Data Protection Supervisor, Wojciech Wiewiórowski,**

**CPDP 29 January 2021**

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- Ladies and Gentlemen. Dear Friends. It was exactly 10 years ago when I first came to CPDP as a newly elected Polish data protection commissioner. I knew this was the best place to learn and I still think this is the case. I find that it is **the best data protection conference in the world and not just because of its academic and political impact.** There might be bigger conferences, but I think this one is the most inspirational.
- For me, CPDP is equally about the next big thing as it is about small initiatives and ideas. Like last year when I was approached in the corridors of Les Halles de Schaerbeek by PhD students from the University of Leiden in the Netherlands who asked me if I could visit them one day and give a lecture. Why not? I combined this with my next inspection visit to EUROPOL in The Hague and just a few weeks after CPDP, we started a fruitful cooperation which has continued to flourish ever since.
- Les Halles de Schaerbeek were not only about lecture rooms. This symbolic location is also about:
  - a EXPO-Bookshop-Dining hall full of people queuing for pasta and coffee;
  - crowded smoking corners at every entrance;
  - or taxis splashing water all over the sidewalks.
- Could you have ever imagined that we would miss this? I have really missed this ambience these past few days. I have missed all of you. I have missed anecdotal conversations, such as, *"Ah, this is prof. X! I thought he was younger."*, *"Oh really? Miss Y knows Z well?"*, *"Who is the man Mrs. N was talking to?"*
- At the same time - have you ever felt lost or alone in a crowd at the privacy conference? I have had this feeling, but not in 2011, not in 2020 - that was my main feeling in 2021.

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- At the end of this week, I want to share with you how, in these troubling times, being alone has equally felt like being part of something bigger, something we all face together as societies. And how, by analogy, **the rights of individuals we aim to protect need to be seen in the context of common experiences.**
- We have spent the last couple of days discussing every angle and dimension of privacy and data protection. Values we identify as fundamental rights of each human being. Constitutional rights - rights we believe each person possesses.
- This individual-centred approach corresponds to how the GDPR is perceived in the world - a law about being in control of the data processed about you. A right, which at its origin has been defined as a “right to be alone” (many of us have read again last month, on the occasion of its 130th anniversary, the famous article written by Samuel Warren and Louis Brandeis on “The Right to Privacy”<sup>1</sup>).
- **Yet, it is a paradox of current times that never in our lives have we felt more alone and, at the same time, never have we been more together.** We all collectively share with each other a common experience of going through the same challenge. We look after each other and take care of each other. These past 12 months were a test of solidarity. A test for fundamental rights no less.
- The pandemic shows us that our individual sphere cannot be preserved if we do not go beyond it and look after each other. **It teaches us that privacy, like any fundamental right, is nothing without solidarity.** What do I mean by that?

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- We have all experienced **an unprecedented limitation of our rights and freedoms.** Privacy, although probably not the most endangered fundamental right, was a preoccupation for many, including those who may have never really thought about it.

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<sup>1</sup> <https://www.cs.cornell.edu/~shmat/courses/cs5436/warren-brandeis.pdf>

Regular citizens faced with navigating through the maze of contact tracing, quarantine restrictions, medical oversight.

- Apart from the pandemic, many things have happened in the field of privacy that resonated with the public. The way mass messaging platforms are exploited, the dangerous ways in which social media is used<sup>2</sup>, the ability of private platforms to act as holders of public infrastructures and key holders of “public spaces”. The “Schrems II” Judgement, the European Commission’s initiative to combat child sexual abuse online. The European Union’s efforts to regulate digital markets and digital services to hold tech behemoths accountable.
- For privacy and data protection, 2020 was far from uneventful. **We saw that individual rights are the rights of societies.** Rights, which, when limited or taken from us, impact entire groups. These rights all mean nothing if we do not protect them collectively. Nobody will be able to enjoy these rights if not everyone is on board. Here, at CPDP, we are all on board - and how reassuring that is!

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- I come from a city where individual rights and common rights are inextricably linked. Where it is obvious that individual rights belong to each and every one of us collectively. Whenever I am in Gdańsk, I think of the day when I will take my daughters to the European Centre of Solidarity. A place where the heart of the European Union beats so loudly that even the biggest euro-sceptics have to appreciate the message it conveys.
- It is a simple and clear message: **a fight for individual rights is a joint action, an effort made by societies.**
- Think of some examples, which have happened since we last met, that illustrate this message. The ongoing mass protests in Belarus - an admirable determination of women and men to have the choice they made in the election respected. The marches

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<sup>2</sup> <https://www.reuters.com/article/us-italy-tiktok/italy-tells-tiktok-to-block-users-after-death-of-young-girl-idINKBN29R2H6>

of the Black Lives Matter movement to protect the dignity of each and every individual.

- After all, “we hold these truths to be self-evident, that all men are created equal.”<sup>3</sup> It is impossible for me to reflect on what happened in this past year without thinking of the United States of America. I see it, somehow, as an allegory of the struggles, challenges, failures, hopes and dreams we have all shared. A restoration of faith. **Faith in decency, faith that things will inevitably get better at some point.**
- When I look back on these past 12 months, I cannot help but think of one particular moment, the night of the historical acceptance speech of Vice-President of the United States Kamala Harris. “Democracy is not guaranteed. It is only as strong as our willingness to fight for it, to guard it and never take it for granted. And protecting our democracy takes struggle. It takes sacrifice. There is joy in it and there is progress.”

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- **There is joy in it.** I hope each of you has found joy in pursuing your passions, efforts, professional and academic endeavours. For all the sacrifices we have made in the past 12 months, I want to tell you: we will come out of the solitude of lockdown with a shared, common experience of having done all of this for each other.
- **Because solidarity means overcoming solitude.** Overcoming a depersonalised world where individuals do not matter. Where no society can be built because there is no way to contribute, nothing to pass on to the next generations. It is therefore crucial to protect individual rights and individuals’ dignity to maintain the living soul of societies in an increasingly globalised world. It is also in this context that I see the EU’s digital values leadership in 2021.
- I believe that the solidarity we have been experiencing makes us stronger as a society. This strength, “the power of the powerless”, as Vaclav Havel titled one of his essays,<sup>4</sup>

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<sup>3</sup> Jefferson, T., The Declaration of Independence, 1776.

<sup>4</sup> Havel, V. and Keane, J., The Power of the powerless : citizens against the state in central-eastern Europe, London, 1985.



is fundamental for the protection of individual rights. **I hope this shared experience is something we can build on in the future.** A lesson that your “right to be alone” might not be preserved if you are unable, at least from time to time, to go beyond your individual sphere and be part of something bigger than you.

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- Many of us have turned to Albert Camus in these difficult times. I believe that it is not a coincidence that his biography, written by his daughter, is called: *Albert Camus, Solitaire et Solidaire*. I strongly believe that these two words, solitude and solidarity, also describe us in these stormy times.
- **In Camus’ books, what brings humans together is a conversation.** A dialogue. A meeting. An ability to discuss, which we need more than ever in a world full of divisions, anger, hostility. A place like CPDP where all of us, from different backgrounds, come together to inspire each other.