

# Meeting W. Wiewiorowski with a delegation of the Committee on Human Rights, Gender Equality, Religious Affairs and Minorities of the RO Senate

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**EDPS premises**

**10.00 h on 30 March**

## **Purpose of event**

- Meeting with the Chair of the Committee on Human Rights, Gender Equality, Religious Affairs and Minorities - Romanian Senate, [REDACTED] will be accompanied by:

- o Vice-chair of the Committee, [REDACTED]
- o Secretary of the Committee [REDACTED]
- o Member of the Committee [REDACTED]

The delegation would like to discuss challenges in the field of data protection in combating child abuse and human trafficking.

## **Link to Strategy / Management Plan / Other relevant document/event:**

**[https://edpb.europa.eu/system/files/2022-07/edpb\\_edps\\_jointopinion\\_202204\\_csam\\_en\\_0.pdf](https://edpb.europa.eu/system/files/2022-07/edpb_edps_jointopinion_202204_csam_en_0.pdf)**

## **Main messages (pro-active)**

- As you may be aware, the EDPS and the EDPB have provided a rather critical Joint Opinion in relation to the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse (CSAM Proposal) in July 2022. We are afraid that the Proposal follows a wrong approach by focusing on the surveillance of users of electronic services including communications, which will hit society at large.

- I am afraid that the detection orders that the Proposal provides for will only reduce the visibility of the problem, but will not contribute to its solution. Practitioners are often cited in the media with statements like
  - they cannot follow up with all the reports they already receive from NCMEC (ES, DE), or
  - they need to prioritise and use their resources wisely and prefer to concentrate on those who do not only possess, but also produce CSAM (DE).
  - In addition I have newly read that in some MS law enforcement is often reluctant to take on cases of abuse (RO).

I know that you have devoted a considerable part of your political activities to the fight against domestic violence, including the sexual abuse of children, and have spoken with many experts. In your view, do our societies already have to resort to generalised monitoring to detect CSAM, to help the victims, or do you see a potential that has not yet been exhausted, for more targeted measures?

### **Main messages (re-active; defensives)**

- I am a father to two girls and I can understand the urge to protect our children as good as we can. But as a father, I also understand where children desire privacy when they grow up and make their own experiences, even sexual experiences. I firmly believe it would be detrimental if we ignore this request for privacy in an effort to reduce the risk of being victimised.
- As the data protection authorities in Europe, the EDPS and all members of the EDPB have completely understood the good intentions behind the Proposal. But we must also be aware of the unintended, circumstantial consequences the Proposal may have on privacy of communications, data protection, and freedom of speech, to name a few.
- The Proposal does not feature clear legal conditions for issuing a detection order. To use a complex process of a risk assessment to justify infringements of fundamental rights against third parties seems to be a legislative novelty. I can predict that there will be no legal certainty before the courts or 'independent authorities' under such rule.
- The Proposal offers no protection against general and indiscriminate scanning, which was prohibited by the CJEU in the data retention cases.
- And the Proposal would require the use of technologies to detect grooming and new CSAM, that create many false positives and because of that also create a feeling in the general population of being under constant surveillance, a feeling that is contrary to our liberal societies.
- Finally, I am afraid that any circumvention of encryption, as required to deploy the detection technology in e2ee services, will not make the online world safer, but less secure.



## **Case officer / contact point**



## **Background**

