

LIBERTY ON THE LINE

**An overview of Privacy International and its work
2002 and 2003 report**



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Some casually overheard comments about Privacy International

"..Privacy International will challenge (the government regulations), they will be struck down". Nick Hawkins MP, shadow Constitutional Affairs Minister, UK House of Commons, 4th July, 2002

"These are silly and malicious awards which have rightly been ignored by most people." The UK Home Office attacking Privacy International's "Big Brother Awards", The Guardian, March 26th, 2003

"You're not being very fair to Australia" Morning presenter on the Australian 'Nine' television network's "Today" programme in response to PI's call for legal action against Australia. June 1997

"..a mini-milestone in the evolution of political ideas"; David Carr on PI's Big Brother Awards, Samizdata.net March 6th, 2003

"You're just technophobic". US lawyer Alan Dershowitz on CNN International, October 2001

*"I'm sick of hearing you guys and your stupid ideas. Privacy International – it sounds like a pornography company".*irate caller to the Brian Wiltshire talkback show, Radio 2GB, Sydney, October 1996

"This analysis is decisive. I will ensure that the Senate blocks the legislation". Chairman of the Finance Committee of the Philippines Senate on reading PI's report on the President's (subsequently doomed) ID card proposal. August 1990.

“the assertion.... will probably now become gospel”, Professor John Daugman writing in New Scientist in response to PI’s critique of iris recognition technology. NS December 2003

“Leading the fight against the increasingly invasive powers that be”. Silicon.com, after placing PI Director Simon Davies in the Top 50 international agenda setters in technology.

“You have now identified me as one of the ‘three regulatory monkeys’”. The Right Honourable Lord Justice Sir Swinton Thomas, UK Interception of Communications Commissioner. Correspondence with PI, 26th July 2002

“Privacy International is ready to pounce”. Reuters 23rd October 1998 “EU Privacy Law Giving Business the Jitters”

“I impugn their motives”. The Rt Hon. Charles Clarke, Home Office Minister, UK House of Commons Debate, 26th June 2000

“You REALLY don't care about privacy. You and people like you have an agenda of using the backdoor to HELP kill and torture INNOCENT-GOOD people!!!! YOU EVIL SOB's”. Email response from the US regarding PI’s report of failures in the US border security programme.

History & overview.

Privacy International (PI) is the oldest surviving privacy advocacy group in the world, and was the first organisation to campaign at an international level on privacy issues. Its antecedents stretch back to 1987, at which time the organisation's founders started to build an international network in response to mounting concern across the world over the changing nature and magnitude of privacy violations.

In the fourteen years since its first meeting in Luxembourg in 1990, PI has adopted a broad brief; organising more than 100 conferences and award ceremonies, participating in hundreds of national and international meetings, participating in an estimated 15,000 media interviews, organising campaigns, producing publications and giving expert testimony to parliamentary and government committees, including those of the House of Lords, the Canadian and Australian Federal Parliament, the OECD, UNESCO, the European Parliament and the Council of Europe. PI now has active associates and networks in around 50 countries. It is registered in the UK as a non-profit private limited company (no. 4354366).

PI deals at any one time with dozens of key issues. At the time of writing of this report the organisation's campaigns, media activity and projects encompass international government cooperation, data protection law, anti-terrorism developments, freedom of information, Internet censorship, identity systems, corporate governance, the appointment of regulators, cross-border data flows, data retention, judicial process, government consultation procedures, information security, national security, cybercrime and aspects of around a hundred technologies and technology applications ranging from video surveillance to DNA testing.

Organisational profile

PI is a chameleon-like group. It can in the same moment be described as troublemaker and think-tank, campaigner and researcher. Its staff and members embrace deeply held concerns about privacy, and they believe that the organisation should not be confined to a narrow *modus operandi*. We see no problem in launching controversial and polemic wildcat campaigns while at the same time engaging in some of the field's most elaborate and highly acclaimed research.

PI's political profile has always confounded supporters and critics alike. Writing in *The Times* (March 7th 2002), Richard Morrison described us as "Libertarian", while US Libertarian guru Declan McCulloch has described us as "socialists". The truth is that PI has always believed that privacy is apolitical by nature. This position is reflected in the composition of our Trustees and Board of advisors, the membership of which ranges from

Ayn Rand enthusiast Professor Ian Angell, to Professor Noam Chomsky. We are delighted to be respected or reviled in equal measure by all sides of politics.

Legal formation and Objectives

After twelve very active years in the field, and after having created an international privacy movement, Privacy International was formally incorporated as a (non-profit) UK company in January 2002. The organisation's Trustees met for the first time in February of that year. Privacy International's founder, Simon Davies, was formally appointed to the position of Director, and an International Advisory Board comprising 46 members from 28 countries was established. These members represent an unprecedented network of networks within the privacy field.

The organisation's aims have remained largely unchanged since 1990. Those are:

- a) To raise awareness of and to provide education about threats to personal privacy;
- b) To work at a national and international level toward the provision of strong and effective privacy law;
- c) To monitor the nature, effectiveness and extent of measures to protect privacy and personal data;
- d) To conduct research into threats to personal privacy;
- e) To monitor and report on surveillance activities of security forces and intelligence agencies;
- f) To scrutinise the nature, extent and implications of transborder flows of information;
- g) To engage in advocacy at a national and international level, such as making representations to bodies such as the United Nations, the Council of Europe and the OECD;
- h) To seek ways through which information technology can be used in the protection of privacy.

Networking Since its inception PI has nurtured an extensive and resilient network of experts and advocates on every continent. Indeed, PI's primary mandate as the first international privacy organisation was to ensure that these networks were developed and maintained. We have worked alongside more than two hundred academic and non government organisations, including the American Civil Liberties Union, the Australian Privacy Foundation, the Electronic Privacy Information Center (US), the Electronic Frontier Foundation (US), the European Digital Rights Initiative, Consumers International, the Foundation for Information Policy Research (UK), Liberty (UK), the Hungarian Civil Liberties Union, the Moscow Human Rights Network, Amnesty International, Privacy Ukraine, Quintessenz (Austria), Bits of Freedom (Netherlands), freedominfo.org, Index on Censorship, the Association for Progressive Communication,

the Global Internet Liberty Campaign, Charter 88 (UK), the Philippine Alliance of Human Rights Advocates and the Thai Civil Liberties Union.

Campaigns

PI undertakes campaigns and media on a range of issues, particularly on legislative proposals on data retention, anti-terrorism, genetic testing, workplace monitoring, freedom of information, national security, surveillance warrant procedures, identity cards, fingerprinting of children, visual surveillance, misuse of data by companies and international mutual assistance proposals. The most active campaigns over the past fifteen months include:

- **Identity Cards.** In January 2003 the UK government completed a seven-month public consultation on proposals for a compulsory national identity card. PI coordinated opposition to the scheme through a variety of public meetings and media strategies, culminating in January in a complaint to the Parliamentary Ombudsman on the legality of the consultation process. The campaign has played an important role in educating the public and the media about the implications of the proposal.
- **Data Retention** For more than two years PI has worked on a number of fronts to stop plans to introduce mandatory blanket retention of communications data, both at a European and at a national level. This culminated in 2003 in the planning by PI of a public meeting on UK proposals. This will take place in May and will involve industry and government representatives as well as key experts.
- **CCTV** PI was the first organisation in the world to campaign against the spread of video surveillance, and it continues to exert a significant influence on public thinking. The organisation has campaigned directly throughout Europe and North America, and has provided expert advice to a range of police and government authorities on the subject.

Ongoing Events

The Scrambling for Safety Series Initiated by PI in 1997, these public meetings have provided an important forum for the evaluation of UK government policy concerning IT, electronic commerce, security and privacy. Hundreds of companies, experts and government agencies have participated in these events. In the UK *SfS* has become the premier public event during government consultations in a growing number of areas. Ministers, civil servants, experts and key industry figures express their views and outline their proposals to an authoritative audience. The environment is unique, and lends itself

to critical evaluation of complex legislative issues. SFS meetings traditionally are hosted by the Department of Information Systems of the London School of Economics. The seventh in the series was held in November 2003 on the subject of the government's current data retention and data access proposals.

The Big Brother Awards. 2004 was the seventh anniversary of the founding of these popular awards, now an annual event in seventeen countries. Japan, Bulgaria, Ukraine and Australia held their first national Big Brother Awards this year. They joined France, Germany, Austria, Switzerland, the Netherlands, Hungary, Denmark, the United States, Spain, Belgium, Finland and the United Kingdom in hosting annual events. The awards, initiated in 1997 by PI, are given to the most heinous and persistent privacy invaders, as well as to those who have excelled in defending privacy. www.bigbrotherawards.org To date, 53 award ceremonies have been held.

The Stupid Security competition.

In January 2003, PI launched an international competition to discover the world's most pointless, intrusive and self-serving security initiatives. The "Stupid Security" award highlighted measures which are pointless and illusory, and which cause unnecessary distress, annoyance and unintended danger to the public. The competition was well received, and resulted in over five thousand nominations from around the world. The winners were announced at the Computers, Freedom & Privacy conference in New York on April 3rd. The competition will be an annual event.

Publications.

The 7th edition of "Privacy & Human Rights", was launched in September in Washington and Geneva by PI and EPIC. This definitive global survey of privacy laws and issues assesses privacy developments in over fifty countries. The report has become a valuable resource for scholars and researchers, and now contains more than 3,000 references.

Media. Privacy International has continued its strong presence in international media, and has appeared this year in (among many others) the New York Times, Les Echos, the Observer, the International Herald Tribune, Time, the Wall Street Journal, Wired, the BBC World Service, Pravda, The Times (London), the Guardian and Business Week. PI has participated in more than 15,000 media interviews since 1990.

Website PI also maintains an extensive archive of material on international privacy including major international agreements, country reports, and constitutions located on the World Wide Web at <http://www.privacyinternational.org/> PI has a very strong presence on the Internet, recording more than 50,000 links on the Google search engine.

Funding The organisation has received funding and support from a range of Foundations, academic establishments and non-government organisations. These include the London School of Economics, the Stern Foundation, the German Marshall Fund, the Open Society Institute, the Electronic Privacy Information Center, the Fund for Constitutional Government, the government of Japan and the University of New South Wales (Sydney).

Current project activities

The last fifteen months has seen substantial growth and development of Privacy International. PI has undertaken several important regional and global studies, has expanded its field of interest to cover the full spectrum of privacy issues, has evolved an extensive international network and has substantially increased its presence in the media and the Internet. Current key research projects include:

Project on the implications of the 11th September attacks

This project, developed in conjunction with the Electronic Privacy Information Center, was for the creation of a series of conferences and meetings related to the consequences of September 11th. The project, funded by the Open Society Institute, also concentrated on the development of NGO strategies relating to OECD and ITU global programmes such as WSIS. A conference at the London School of Economics (“Terrorising Rights”) was the centrepiece of this work. The conference brought together NGO advocates and experts from throughout the world. This event was followed by two meetings that concentrated on NGO networking and the OECD Summit. Pending the opening of a bank account for PI the project was administered by the GreenNet Educational Trust.

Global report on Internet control and censorship

This partnership project with the GreenNet Educational Trust has been funded by the Open Society Institute. It will assess the state of Internet control in fifty countries. The report aims to determine:

- 1) The extent to which Internet communication is controlled in violation of international human rights;
- 2) The extent to which sovereign law is used to mandate such controls;
- 3) The violation of rights created by these technical and legal controls;
- 4) The impact on individuals, media and on democratic reform of these policies;
- 5) The technologies and techniques used to implement censorship, control and surveillance;
- 6) The extent of regional and global influences on sovereign action;

Report on Privacy Enhancing Technologies in Europe

This project was commissioned by Japan's Ministry of Public Management Home Affairs Postal and Telecommunications, and contracted by Neoteny Co., Ltd. The purpose of the report was to outline to the Ministry current and future developments in privacy and privacy enhancing technology implementation in Europe. The study focused on a number of countries in Europe, through the assistance of advisory board members from Denmark, Finland, France, and the United Kingdom. The project also focussed on the output from the EU's "European Research Area" framework Programmes for research and technological development.

Terrorising Rights II: Research and Reports

This research and report-writing project follows from the Terrorising Rights conference organised by PI in September 2002, and is primarily funded by the Open Society Institute. The project commenced in March 2003 with an expected duration of 12 months. There are four objectives to the project:

1. To provide a detailed review of new and revised terrorism laws in various countries, as detailed resources for civil society, legislators, and academia;
2. To provide a comparison of policies to further understandings on the dynamics and implications of international cooperation;
3. To develop a set of substantive accounts of political discourses surrounding these policies to assist civil society organisations in preparing for and responding to new policies that may be introduced in their own countries; and
4. To develop and enhance cooperation among civil society and academics in various countries, in order to build a network of knowledge and resource sharing.

Watching the Watchers

This OSI funded project aims to develop benchmarking standards to allow consumers to assess the performance of data protection and privacy regulators. The work will also encourage regulators to recognise their strengths and weaknesses and strive to improve the delivery of services and the standard of advocacy.

Freedom of Information Project

The FOI Project is a joint project of PI and the US-based Fund for Constitutional Government, a good-government foundation based in Washington,DC. It focuses on promoting access to government held information at the national and international levels.

It produces the global survey of FOI laws (<http://www.freedominfo.org/survey.htm>) which was downloaded over 100,000 times in the first year, runs the Intl-foia mailing list, advises other national and international NGOs and governments on adoption and implementation of laws, and writes policy papers on access to information issues. It is

also a frequent user of UK and EU access rules to obtain information for other PI projects.

The project was funded in September 2001 with a \$55,000 grant from the Information Programme of the Open Society Institute. It received a \$35,000 grant in October 2003 from the Open Society Justice Institute. It also has received funding as a expert consultant for a number of other NGOs and foundations including the National Democratic Institute, Consumers International, and the National Security Archive.

Parliamentary Group

PI and the Foundation for Information Policy Research are working with Lords and MP's in the UK Parliament to form an "All Party Parliamentary Group" on privacy and liberties. The initiative, which will be formally recognised by the Parliament, will form a centre for cross-party analysis and scrutiny of legislation from a civil liberties perspective. Founding members of the group include Lord Phillips of Sudbury, Lord Lucas and the Earl of Northesk.

Meetings and conferences

PI staff attend numerous international meetings and events. Some recent participation includes:

- Chair, Rathenau Institute conference on "Privacy in the Information Society.", Amsterdam, Feb 2002.
- International Conference on Rights in Information, London, March 2002
- National FOI Day Conference, Arlington, VA, March 2002
- CFP 2002, SF Cal, April 2002
- Keynote, annual conference of the Information Security Forum, Sardinia, 2002
- FOI Workshop, Arequipa, Peru, April 2002
- OECD International Roundtable on Citizens as Partners, Ljubliana, June 2002
- FOI Litigation Workshop, Sofia, Bulgaria, September 2002
- Keynote, Unisys conference on privacy & the media, Nice, 2002

- Workshop on Democratic and Parliamentary Oversight of Intelligence Services, Geneva, SW, October 2002.
- InterINFOS'02, Ljubljana, Slovenia, October 2002.
- European Voice Conference on Security, Trust and Convenience in e-commerce, Brussels, Feb 2003
- Regional Seminar on Freedom of Information, Zagreb 20-22 March 2003
- CFP 2003, NYC, April 2003
- Prudential conference on Data Protection and in-house policy, London, 2003
- Training Seminar on Implementing Data Protection, Sofia, Bulgaria, April 2003.
- Consumer WebWatch and Consumers International First International Conference on WebCredibility: Building Trust on the Web, Ljubljana, Slovenia, June 2003
- University of Cambridge Computing Laboratory seminar on privacy, Cambridge, 2003
- Special Library Association Annual Conference, NYC, June 2003
- European Commission, Article 29 Working Group conference on the DP Directive, Brussels, 2002
- Freedom of Expression in the Information Society, Danish Parliament, Copenhagen, DK, September 2003.
- Kable/Government Computing public sector conference on data sharing, London, 2003
- Conference on Government Informatics, Portoroz, Slov, September 2003
- Presenter at Governing Global Electronic Networks Conference hosted by the Central European University and the Open Society Institute, Budapest, November 16, 2002.
- Panel speaker at The Next Challenges: Five Internet Problems for the Public Interest, hosted by the Howard M. Squadron Program in Law, Media, & Society,

in cooperation with the Markle Foundation, Cardozo School of Law, Yeshiva University, New York, October 2, 2002.

- Guest speaker to the OSCE Mediterranean Seminar on New Media and Technologies, Rhodes, November 5, 2002.
- Panel chair and speaker at Computers Freedom and Privacy 2003 on anti-terrorism policies in Africa, the European Union, Japan, and the United Kingdom, New York, April 3, 2003.
- Speaker at The Global Congress on Community Networking in the Digital Era, Montreal, October 11, 2002.
- Panel speaker at New Information and Communication Technologies: Perspectives from the Research Field, hosted by the Markle Foundation, New York, October 3, 2002.
- Panel speaker at Observing Surveillance, organised by EPIC, Washington, D.C., June 3, 2002.