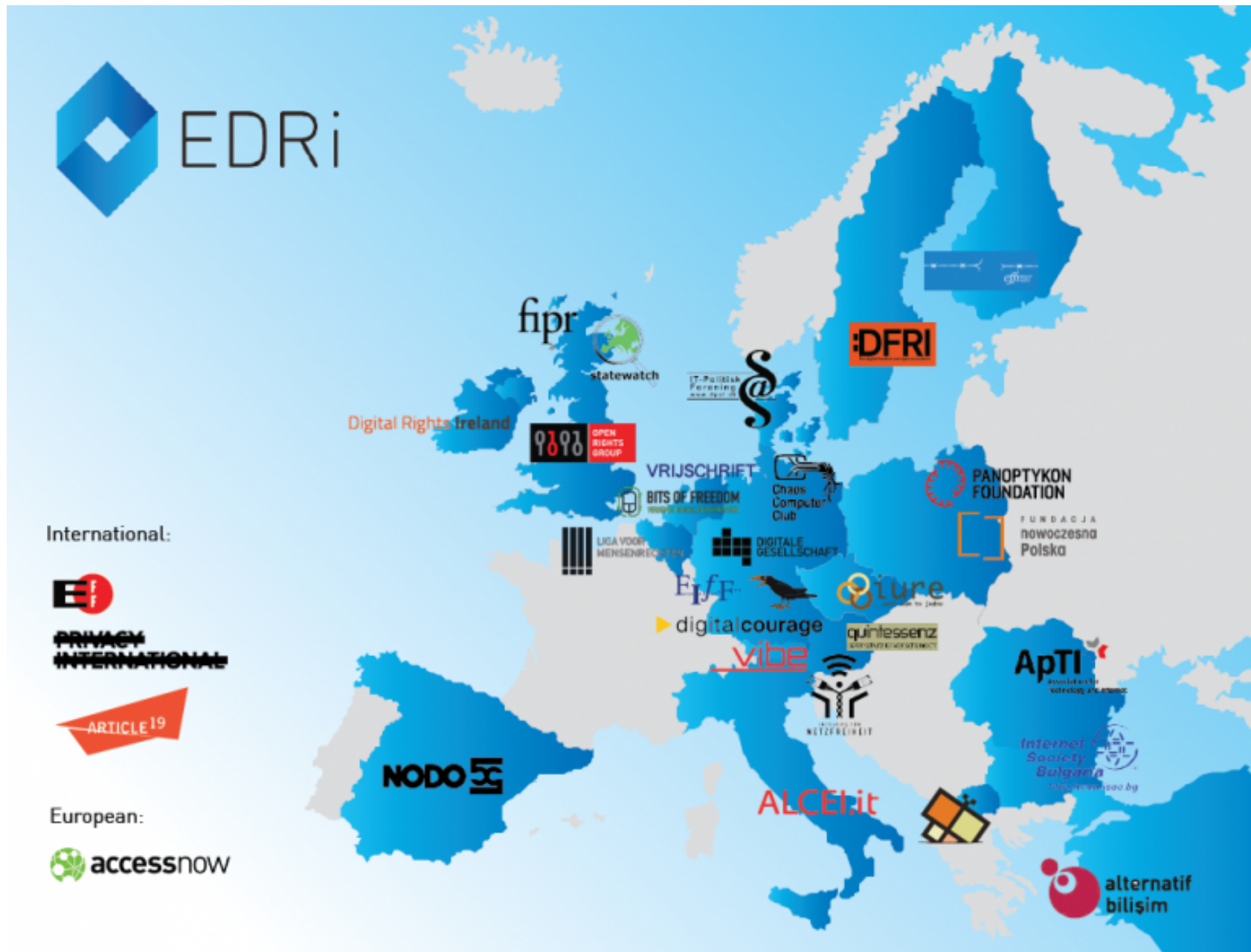


EDRi

PROTECTING DIGITAL FREEDOM

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European Digital Rights (EDRi) is an association of civil and human rights organisations from across Europe.
We defend rights and freedoms in the digital environment.



(some) Human Rights frameworks

UN Declaration of human rights:

- **Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.**

EU Charter of Fundamental Rights

- Article 7: Respect for private and family life
- Article 8: Protection of personal data

EU Rules on Data Protection & Privacy

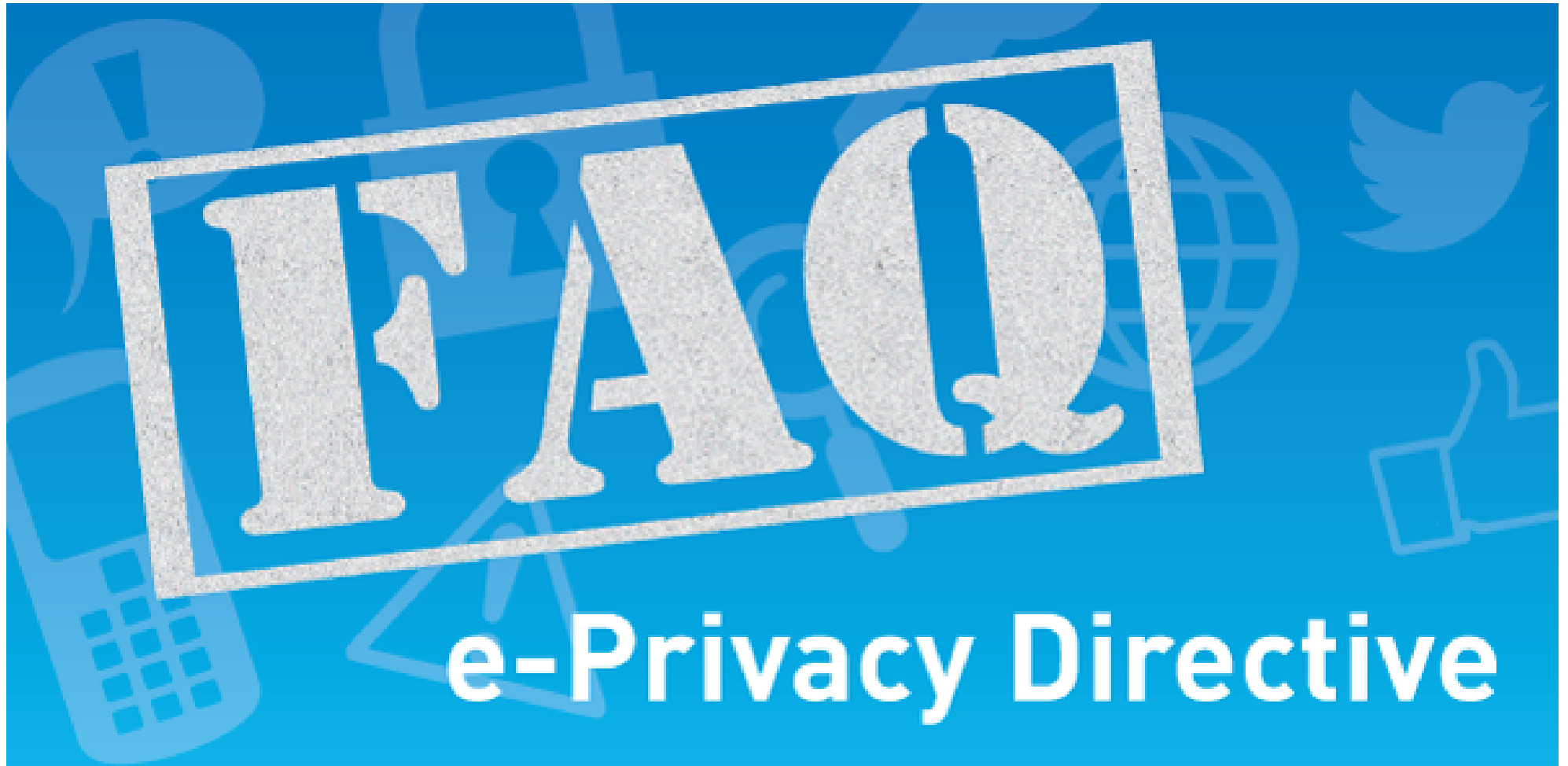
Existing:

- Data Protection Directive (1995)
- “Police Directive” (1995)
- ePrivacy Directive (2002)

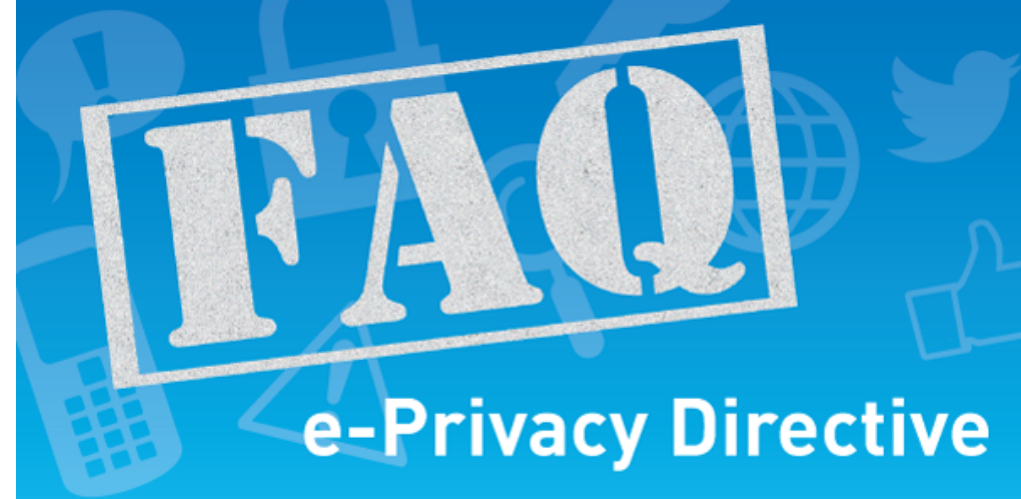
To be replaced respectively by

- General Data Protection Regulation – **GDPR** (passed in 2016, in force from May 2018)
- New “Police Directive” (passed in 2016, in force from May 2018)
- ePrivacy Regulation (ongoing, expected for 2018)

future ePrivacy Regulation

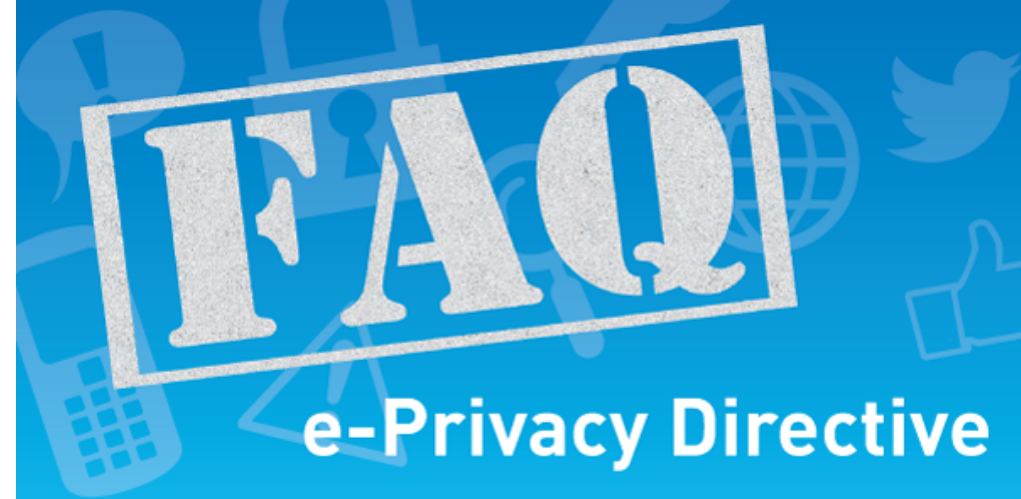


ePrivacy



- The e-Privacy Directive was created to complement the Data Protection Directive
- It covers **specifically privacy, confidentiality of communications and data protection issues in the electronic communications sector.**

ePrivacy

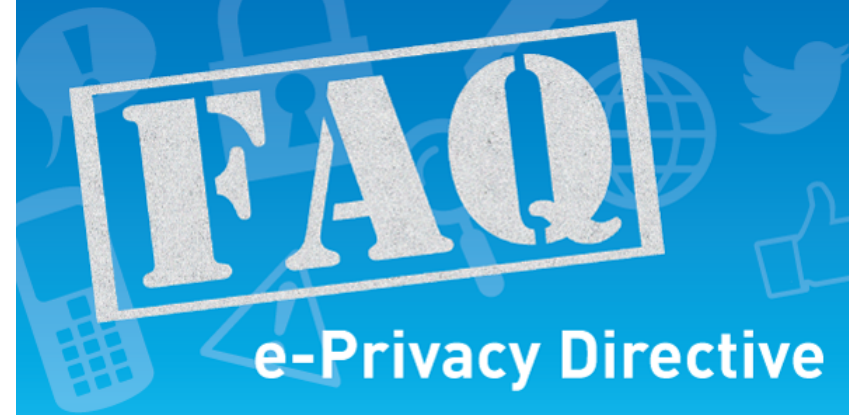


- The European Commission **published** a proposal in January 2017.
- **The proposal is a good step forward** but it has been watered down after the leak of the text in December.
- Civil society and industry lobbyists are already in passionate discussions about the text: **“End of the Internet as we know it!”**

ePrivacy



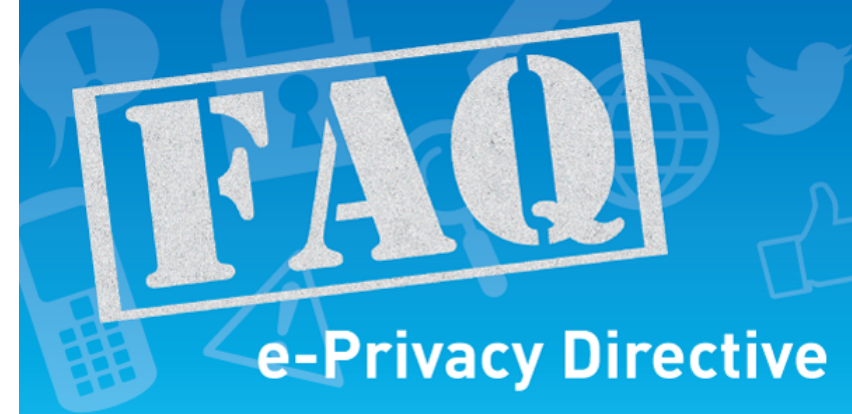
- **Telecoms, Online advertisers, Publishers:** “We don’t need more regulation, we need to use Big Data and profiling to create jobs and innovation”
- **Some policy makers** “We like innovation and data flows and stuff!!!!”
- **European Commission:** “We understand we need to protect privacy and confidentiality of communications. Help us out!”



EDRI thinks that...

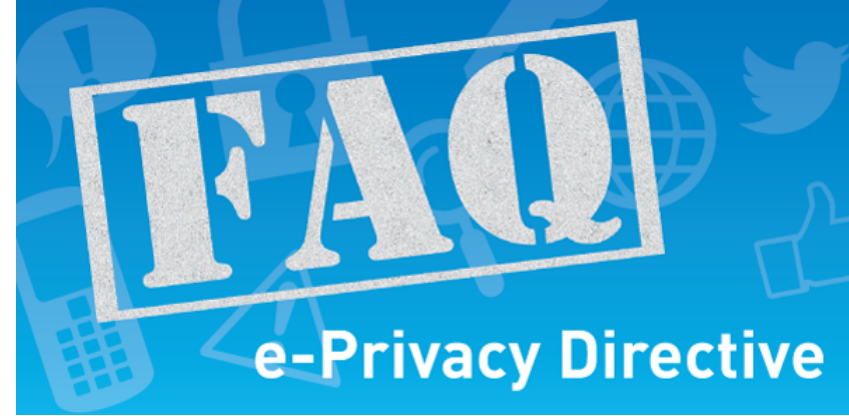
- We need ePrivacy to complement the GDPR in the era of the Internet of Things, massive surveillance and more and more e-communications
- It needs to be harmonised across the EU
- It is not about annoying cookie notices, it is about privacy and confidentiality of communications
- Some telecoms just want to profile citizens to compete with other Big Data businesses
- Watchout: Governments  Backdoors (ie: exceptions for “national security”)

ePrivacy



and specifically...

- **Trust is needed:** NTIA report **showed** that 45% of households had refrained from certain online activities in the previous year, due to privacy and security fears
- **Broadening of the scope** to other new actors, such as **OTTs** (Skype, Whatsapp as common methods of communications)
- Keep the focus on **tracking**, rather than on specific tools (cookies, device fingerprinting)
- We need a **ban on “cookie walls”** for private and public websites
- **Privacy by default**, not “privacy by option”
- **Collective redress** needs to be ensured



Blurry issues:

- Article from the ePR allowing **data retention** laws: repeal or clarify?
- **OTTs** using end-to-end encryption in apps: Is it dangerous or positive for privacy to include them in the new ePR?
- **Alternatives to "free" services** if people don't want to pay for them (as EU research shows)
- **Encryption backdoors** and "needed access" for law enforcement purposes

Questions, comments?

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