

# The HIDE Workshop in Ljubljana on 17-18 September 2009

## The preliminary book of speaker biographies and talk abstracts

### *Opening Lecture*

**Title:** *"I have a gun so I have the right to shoot!"* - Law, IT and personal data protection - legislative framework lags behind the IT development "

**Speaker:** Ms. Nataša Pirc Musar – Information commissioner of the Republic of Slovenia

**Time:** Thursday, 17 September, 09.20 – 09.50

**Location:** Silver Room

**Speaker biography:** Nataša Pirc Musar was born in 1968 in Ljubljana. After graduating from the Faculty of Law in Ljubljana in 1992, she passed the bar examination in 1997. After completing her studies she was employed for six years at the Slovenian national television as a journalist and news presenter of the main news TV Dnevnik. Subsequently, she worked for five years as news presenter on "24 ur", the central information programme of the largest commercial television broadcaster in Slovenia, POP TV.

She gained additional experience in journalism at CNN, and attended the Media Department of the Salford University in Manchester in the UK for two semesters. During her studies she did her professional practice at BBC, Granada TV, Sky News, Reuters TV and Border TV.

She has also contributed newspaper articles and worked on radio. Striving for new knowledge, she moved in 2001 to the financial sector where she joined the largest Slovenian private financial corporation Aktiva Group as a Head of Corporate Communications. In April 2003 she became Director of Training and Communications Centre at the Supreme Court of the Republic of Slovenia. On July 15th, 2004, she was elected in the National Assembly to become the second Slovenian commissioner for access to public information. She was nominated by the President of the Republic of Slovenia. Since December 31st 2005, when Office of the Commissioner for Access to Public Information merged with the Inspectorate for Personal Data Protection, Nataša Pirc Musar performs her function as an Information Commissioner.

On May 21st 2009, the National Assembly has, upon proposal of the President of the Republic Dr. Danilo Türk, elected Ms. Nataša Pirc Musar for another 5 year term as the Information Commissioner. She started the new mandate on July 16th, 2009.

**Talk abstract:** When considering protection of personal data and privacy it is evident that the legal system is lagging behind the technological development. There are several areas that clearly show that current legislation is hardly coping with the current trends in the development of information-communication technologies (ICTs). Amongst the most notable areas are the latest developments of the internet and its services, such as web 2.0 services, among which currently very popular social networking sites, such as Facebook and MySpace. On-line threats for privacy and protection of personal data also become more visible with increased efforts to track and build user profiles that can be used for online behaviour advertising. Other outstanding area where technology poses privacy risks is the collection of personally identifiable geo-location data in Intelligent Transport Systems (ITS), used for example for pay-as-you-go road pricing. Privacy is also under attack with the rise of wholesale surveillance technologies including various biometric methods, radio frequency identification and the internet of things, video surveillance and other technologies. The widespread use of these technologies is deriving from their seductive nature and lack of friction that would

balance their proportional use in light of protection of basic human rights versus other rights and interests. The sheer speed of technological development poses a challenge on its own for law and policy makers that need to protect basic human rights in the ever-changing world. Focusing and enforcing fundamental principles of personal data protection, such as data minimization, proportionality, security, purpose specification, accuracy and quality, seem to remain the only stable lighthouses that should be able to withstand the technological challenge. What should not be neglected is the neutrality of the technology itself and the enormous difference in what (and how) the technology is used for. For this reason it is very important to build upon the already mentioned fundamental principles of data protection and to combine them with pro-active privacy protection tools such as privacy impact assessments and privacy by design.

To resume – a lot of sophisticated gadgets, which are enabling intrusion to privacy, are available on the market, but does that mean we can use them with no limitations? The answer is NO.

## *Session I*

**Title:** *"The circumstances that may lead to the restriction of EU data-protection principles"*

**Time:** Thursday, 17 September, 09.50 – 12.30

**Location:** Silver Room

**Rationale:** Member States may restrict data protection principles under certain circumstances, as stated in Article 13 of the directive 95-46/EC, when such a restriction constitutes a necessary measure to safeguard important public interests. *What are these circumstances and who defines them as such? What may constitute "a necessary measure" and an "important public interest"? What about the ethical considerations of such "circumstances" and their implications on data-protection rights?*

09.50 – 10.00 *Chair's Introduction*

**Prof. Rudi Rizman** – Professor of Sociology and Political Science, Faculty of Arts, University of Ljubljana, Slovenia

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10.00 – 10.20 *"Security, at what cost? Quantifying people's trade-offs among privacy, liberty and security"*

**Mr. Neil Robinson** – Senior Policy Analyst, RAND Europe, UK

**Speaker biography:** Neil Robinson is a Senior Analyst at RAND Europe, based in Cambridge. Neil has been involved with a number of projects relating to privacy and risks in the information society, including leading a high profile review into the Strengths and Weaknesses of the EU Data Protection Directive 95/46/EC for the UK Information Commissioner's Office (ICO). Neil has also led a internally funded RAND Europe study into understanding and quantifying how individuals make trade-offs across privacy, security and liberty. In 2007 Neil also participated in a European Commission supported project into determining common specifications for electronic identity management systems for pan European e-Government Services (PEGS). Neil has also worked on an Impact Assessment for the Long Term Management of Large Scale IT systems in the Areas of Justice and Home Affairs. Neil has a BA from King's College, University of London and an MSc from City University London where he studied the vulnerability of the fibre optic network in London.

**Talk abstract:** The presently heightened security environment in the United Kingdom today is resplendent with examples of government policy that must strike a delicate balance between strengthening security without jeopardising public liberties and personal privacy. The introduction of national ID cards and biometric passports, the expansion of the DNA database, and cross-departmental sharing of information raise a number of privacy issues. Much of the current privacy vs. security debate occurs at the emotional level with little evidence informing the argument. This presentation will outline the results of a study that sought to understand the real privacy/security trade-offs of individuals so that policy makers can be better informed about their true preferences in this area and thereby better match policies to user preferences. The study used a Stated Preference (SP) methodology (common in transportation policy planning) in three case studies; passport application, attendance at a major public event and travel on the national rail network. Participants were asked to choose across a number of options in each case study representing varying degrees of intrusion into personal privacy or liberty in order to achieve security certain benefits. Discrete Choice Modelling (DCM) techniques then permitted quantification of these choices permitting understanding into how individuals make trade-offs between various policies affecting privacy, security and liberty. Finally, using relevant cost information, we were able to monetise these values permitting an relative 'value' to be placed upon privacy intrusions or restrictions on

liberty in each case study. The results of the study showed that from a practical perspective, individuals viewed privacy in an economic light and were willing to trade it for security benefits. The study demonstrated the utility of the application of Stated Preference and Discrete Choice Modelling techniques to the realm of privacy, security and liberty with potential implications for tools such as privacy impact assessments.

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10.20 – 10.40 *“Pee In the Cup: Principles for Preserving Anonymity and Privacy In the Global “Homeland Security” and “Surveillance State.”*

**Mr. Wayne Crews** – Director of Technology Studies, Competitive Enterprise Institute, USA

**Speaker biography:** Wayne Crews is vice president for policy and director of technology studies at the Competitive Enterprise Institute, and an adjunct scholar at the Cato Institute. Wayne’s work explores the impact of government regulation of private activity: Areas of interest include antitrust and competition policy, safety and environmental issues, and information age concerns like privacy, online security, broadband policy, and intellectual property. Wayne is the author of the yearly report, Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State, and he co-authored the recent reports This Liberal Congress Went to Market? a Bipartisan Policy Agenda for the 110th Congress and Communications without Commissions: A National Plan for Reforming Telecom Regulation. Prior to the assorted government bailouts now taking place, he wrote the report Still Stimulating Like It’s 1999: Time to Rethink Bipartisan Collusion on Economic Stimulus Packages.

Wayne is co-editor of the books Who Rules the Net: Internet Governance and Jurisdiction (2003) and Copy Fights: The Future of Intellectual Property In the Information Age (2002). He is co-author of What’s Yours Is Mine: Open Access and the Rise of Infrastructure Socialism (2003), and a contributing author to others. He has published in the Wall Street Journal, Chicago Tribune, Forbes, Communications Lawyer, the International Herald Tribune and others. He has made various TV appearances on Fox, CNN, ABC, CNBC and the Lehrer NewsHour, and his regulatory reform ideas have been featured prominently in such publications as the Washington Post, Forbes and Investor’s Business Daily. He is frequently invited to speak, and has testified before congressional committees on various issues.

Earlier Wayne was a legislative aide in the United States Senate to Sen. Phil Gramm, covering regulatory and welfare reform issues. He was an Economist and Policy Analyst at Citizens for a Sound Economy Foundation, and has worked as an economist at the U.S. Food and Drug Administration and as a Research Assistant at the Center for the Study of Public Choice at George Mason University. He holds an M.B.A. from William and Mary and a B.S. from Lander College in Greenwood, South Carolina. He was a candidate for state senate as a libertarian while at Lander.

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10.40 – 11.00 *“Ombudsman and Similar Institutions as Guarantors of Citizens Rights in Circumstances that Lead to the Restriction of EU Data-Protection Principles”*

**Dr. Saša Janković** – Ombudsman of the Republic of Serbia

**Speaker biography:** National Ombudsman of the Republic of Serbia from July 2007; 2003/2007 - Legal adviser in Democratization Department, OSCE Mission to Serbia. Job description: providing legal and political advices to the Head of Mission, head of Department, political advisers and others in the area of democratization (functioning of democratic institutions and election, human rights, rights of minorities, anti-discrimination and gender equality, rule of law, civil-military relations, education, etc), providing contact and

cooperation with state institutions and officials, NGOs, embassies, managing of projects related to democratization and security sector, etc.

1996	Graduated from the Faculty of Law in Belgrade;
2001/2002	Assistant to the State secretary for youth and sports in the Federal Ministry for youth and sports;
2000/2001	Secretary of the Federal Ministry for youth and sports;
1997/2000	Expert associate in the Federal Ministry for youth and sports;
1994-1997	Journalist and assistant to the duty editor in Beta news agency, in charge of legal issues;
2005	Graduated from the specialised security studies at the Faculty for political science; graduating thesis: „Parliamentary control of security services in Serbia and Montenegro“; Editor of Beta news weekly edition in English.

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11.00 – 11.30 *Coffee Break*

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11.30 – 11.50 *“The limits of the rules: the Technology Genie unbottled?”*

**Prof. Joseph A. Cannataci** – Professor of Law and Director of the Centre for Law, Information & Converging Technologies, UCLAN, UK

**Speaker biography:** Joe Cannataci is Professor of Law & Director of the Centre for Law, Information & Converging Technologies at the University of Central Lancashire as well as Professor of Law & Information Technology at the University of Malta. He is also a UDRP Panelist for on-line dispute resolution at the ICANN-accredited Czech Arbitration Court. He has served as Chairman of the Committee of Experts on Data Protection at the Council of Europe and Vice-Chairman of the COE’s Group of Specialists on the impact of new Telecommunication Technologies on fundamental rights and democratic values. He participated in the group drafting the Cybercrime Convention between 1996 and 2000 and was Rapporteur to the Council of Europe on the protection of personal data used for Police purposes. The author of books and articles in several branches of IT law and especially data protection, Professor Cannataci was decorated by the Republic of France in 2003 when he was elevated to Officier de l’Ordre de Palmes Academiques in recognition of his contribution to academic life and international developments in the field of law and technology.

**Talk abstract:** The EU’s Directive 46/95 is very largely based on the Council of Europe’s 1981 Data Protection Convention and even there the principles of data protection were not declared to be absolute. Art 9 (2) of ETS 108 set the trend by allowing derogations for protecting State security, public safety, the monetary interests of the State or the suppression of criminal offences as well as protecting the data subject or the rights and freedoms of others. For a full six years after when the 1981 Convention was opened for signature there remained a vagueness as to what was actually permissible for security and police forces. Some thought and indeed acted as if they were completely excluded from data protection law. In 1987 all this changed with the adoption of Recommendation (1987) 15 on the use of personal data for police purposes, a legal instrument so important that it was adopted as the data protection standard for the Schengen Treaty. The past twenty years have been marked by an attrition of data protection standards in a number of ways, not least the length and purpose for which data may be retained. New and emerging technologies have compounded the problem by providing the ability to provide much more security-related information than we have the time or financial capacity to have analysed by human beings, so we are now moving to so-called smart technologies which can help in the analysis. These developments, especially in smart surveillance, may mean that thousands of citizens across

Europe may be wrongly arrested, detained or excluded from events simply because a piece of smart technology may have wrongly identified them or mistakenly placed them within an increased risk category. This paper examines the extent to which the notions of "a necessary measure" and an "important public interest" are already addressed by statute and case law and asks the question as to whether, once surveillance technology is unleashed it can ever be reasonably constrained by legally-enforceable rules?

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11.50 – 12.10 *"Experience of the Czech Data Protection Authority with the Third Pillar"*

**Mr. Vít Zvánovec** – Data Protection Authority, Czech Republic

**Talk abstract:** The first part of the speech is about the position (JSB of Europol) and the role of the Czech Data Protection Authority ("DPA"), especially its difference to other European DPA. Co-operation with the Ministry of Interior. The second part deals with the basis of the Czech law, again mainly its particularities comparing other European countries, its penal system. Police, customs, and courts. The Czech Republic is lucky, because it has no external borders. 32008FO977 (Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters). Definition of sensitive data. Question of a public interest (Sec. 3 Para 6 of the Data Protection Act) & important public interest. Principle of proportionality. Conflict of privacy and security, especially under threat of terrorism after 9/11. Do we live in surveillance society? The last but one part of the speech is about various sectoral problems in Police and Judicial Co-operation in Criminal Matters with special concern to biometrics. Case law – findings of the Czech DPA. Very important question is processing of DNA. Recent decision of the Czech Constitutional Court K. R. B. v. Police. Registries, especially criminal records. Background check & security clearance. Dublin system. Use of Eurodac.

The last but not least is about Schengen Evaluation and Follow-up Procedure (2004–7). A problem with truth of information. N.SIS & VIS. Eurojust. SISone4ALL & SIS II.

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12.10 – 12.30 *Discussion and Questions*

## *Session II*

**Title:** *"The impact of counter-terrorist border-control legislative measures on privacy protection"*

**Time:** Thursday, 17 September, 14.00 – 16.40

**Location:** Silver Room

**Rationale:** Terrorist and other threats force Member States to adopt new legislative measures and deploy biometric and personal detection technologies for safeguarding border security. These measures and technologies greatly interfere with data-protection principles. *What is the impact of counter-terrorist border-control EC packages, like the so-called Frattini package, on the implementations of the data-protection directive?* The New Member States are now in charge of monitoring the external border of the EU. *Are EU borders safe? What privacy price do EU citizens pay for this safety?*

14.00 – 14.10 *Chair's Introduction*

**Dr. Iztok Prezelj** – Assistant Professor of Defence and Security Studies, Chair of Defence Studies, Faculty of Social Sciences, University of Ljubljana, Slovenia

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14.10 – 14.30 *Title to be announced*

**Mr. Goran Klemenčič** – State Secretary of the Ministry of Interior, Slovenia

**Speaker biography:** Goran Klemenčič was born in 1972. After graduating from the Faculty of Law at the University of Ljubljana, where he was awarded the title of Bachelor of Laws, he completed a master's degree at the Harvard Law School, after which he continued post-graduate studies at the National University of Ireland.

He has previously worked at the Ministry of the Interior (Police Guidelines and Supervision Bureau), at the Office of the Government of the Republic of Slovenia for the Prevention of Corruption and at the Faculty of Criminal Justice and Security of the University of Maribor. He worked abroad for several years, including as an Adviser and Project Manager in the Crime Problems Department of the Council of Europe in Strasbourg and in the Organisation for Economic Cooperation and Development in Paris.

He is a senior lecturer in criminal law, police powers and human rights at the Faculty of Criminal Justice and Security of the University of Maribor. He has published in Slovenia and abroad a number of professional and scientific articles and is the author or co-author of 12 books, some of which have been published in Washington, New York, Strasbourg and Paris.

Since 2003 he has been active as a permanent external partner in projects of the Council of Europe, the United Nations, the Organisation for Economic Cooperation and Development, the European Commission, the United States Institute for Peace and the Irish Centre for Human Rights involving legislative and institutional reform of criminal law, police powers, specialised authorities for the prosecution of organised crime and corruption, cyber crime and privacy in the light of information technologies. In addition to Europe, he has experience in providing advice and assistance to governmental and international institutions in the Russian Federation, South East Europe, Central Asia, the Caucasus, China and Latin America. In addition, he has participated in drafting the Rules of Procedure and Evidence of the International Criminal Court in The Hague.

For two years he was a member of the Management Board of the Organisation for Economic Cooperation and Development. He is a member of the Expert Council of the Institute of

Forensic Information Technologies and a member of the consultative body of Amnesty International Slovenia. He was also a co-founder and (before assuming the position of State Secretary at the Ministry of the Interior) the first Director of the International Centre for Criminal Law, Human Rights and Privacy.

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14.30 – 14.50 *"Travelling free or travelling secure? The role of biometrics across the European and International borders"*

**Prof. François Géré** – Director of the Global Security Network, France

**Speaker biography:** Professor François M.H. GÉRÉ was born in Paris, France, 1950. Professeur agrégé en Histoire (1975). He holds a Phd in contemporary military history (1991) with the title of "research director" (2001) Paris Sorbonne University.

He has been trained in nuclear physics and ballistic missile technology(1985-1993). He has been a visiting professor at SAIS Johns Hopkins University (Washington DC, 1995-96). He has occupied various positions inside and outside the French administration, most of them related to American military strategy, arms control and counterproliferation.

Since September 1st 2001 he is the President of Institut Français d'Analyse Stratégique (IFAS), a Paris-based non-governmental think-tank ([www.strato-analyse.org](http://www.strato-analyse.org)). IFAS runs a special research program on the strategic relations between China, the EU and the USA.

He teaches two seminars at Paris 3 Sorbonne Nouvelle and at Ecole militaire on counterterrorism and counterproliferation.

Since 2001 he has been appointed as senior advisor for the orientation of the upper level of military studies at Ecole militaire in Paris.

On June 2004 he has been selected by the Swedish National Defence College as a member of the international board on transatlantic relations.

On September 2004, he has been selected to enter the NATO Science Committee (as chairman of the Human and Societal Dynamics panel).

Since 2006 he runs the joint program on Global Security research between NATO and the EU (European Science Foundation).

On September 2006 he has been designated a special advisor ("chargé de mission") to the office of the Prime Minister for Defense and Security.

Pr GERE has published extensively on nuclear proliferation, counter terrorism, psychological warfare, and military strategy.

"Les volontaires de la mort", (2003) deals with suicide bombing in the world.

"The New Geopolitics of War and Peace" (2005).

Nuclear Iran, Persian Concerns", May 2006, second edition will come out in October 2009.

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14.50 – 15.10 *"Is biometrics technology a "silver bullet" for terrorism?"*

**Sir Vojislav Milošević** – Director of the Center for Counter-Terrorism and World Peace, Belgrade, Serbia

## Speaker biography:

- Graduated International policy, Faculty of Political Sciences, Belgrade.
- Post-graduate studies: "Islamic fundamentalism as a form of political organizing.
- Took part at conferences of UNESCO and UNCTAD as a member of organizing committee.
- Journalist, National News Agency – TANJUG.
- Counselor in Federal Parliament of Yugoslavia 1983-1999.
- Speaker at the Conference of the Balkan countries, Florina, Greece, 1993.
- Author of numerable articles in daily and weekly newspapers.
- Guest on TV Station "Voice of America", Washington D.C. several times.
- As a Director of Center for Counter-terrorism speaker at the:
  - 3rd International Conference in Israel, 2003: "Post-modern terrorism - trends, scripts and the future threats"
  - 4th International Conference in Israel, 2004: "Global influence of the terrorism"
  - Marshall Center, Germany, 2005 : "NATO and EU strategy in the struggle against terrorism"
  - 6th International Conference in Israel, 2006: "Global threat of terrorism"
- Author of the book: "The Balkan knot" 1999.
- Host of 1st International Conference on Counter-terrorism, Belgrade, June 2007.

## Talk abstract:

Today, we are all living in 21st Century, in so called - modern time.

We are all faced with so many security threats, with hidden and unhidden roots. Terrorism has become a general threat regardless of the size of the state, the strength of the nation, economic power and military potential, and the development of democracy and human liberties.

Terrorism is fighting by unconventional means "the big " and "the small" alike, and terrorists are primarily challenged by world power leaders and their political, economic and military allies.

Apart from that, terrorism is also a threat for states and nations with ethnic and religious conflicts, but it poses a danger as well for freedom of the spiritual and social development of the modern world. The terrorist's mission is to rule by the fear and subversion, to raise doubts about the existence of the future, and to torture through the production of violence.

Terrorism affects all parts of the world, and meta-terrorism is on the rise, which essentially "absorbs" internal, sponsored trans-national and planetary terrorism and the rule of fear, and domination of violence over civilized action.

Anti-terrorism is adequate response to terrorist strategy, and it contains in itself an "antidote" defined in the skills of preventive action and protection of the rights of man, nations and governments - to life and sovereignty.

Among the many reactions to Sept. 11th tragedy, who ever committed that criminal act, has been a renewed attention to biometrics. It also created a new concern about border control. It also brought to us other proposals, include the use of biometrics with ID cards and video-surveillance enhanced by facial-recognition technology.

But, it creates so many concerns about BIOMETRICS !!!

In today's public arena, biometric technologies are being marketed as a "silver bullet" for terrorism. Deploying biometric systems without sufficient attention to their dangers, makes them likely to be used in way dangerous to civil liberties...

The threat of terrorism affects us all. A terrorist act against one country concerns the international community as a whole. There will be neither weakness nor compromise of any kind - when dealing with terrorists. No country in the world can consider itself immune !!! Terrorism will only be defeated by solidarity and collective action...

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15.10 – 15.40 *Coffee Break*

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15.40 – 16.00 *“Social Aspects of Biometric Applications in Russia”*

**Mr. Alexander G. Ivanchenko** – Executive Director of the Russian Security Industry Association, Russia

**Speaker biography:** Alexander Ivanchenko was born in 1955 in Moscow (Russia). Since 2007 Mr. Ivanchenko has been working in the capacity of Executive Director for the Russian Association of Security Industry (RASI). Mr. Ivanchenko is also Executive Secretary of the Public Security Advisory Board to the Moscow City Council and member of the Security Expert Council to the State Duma (Parliament of Russia). Mr. Ivanchenko was among the founders of the Global Security Industry Alliance, an international organization presently incorporating national security industry associations of Russia, USA, China and Brasil.

**Talk abstract:** Russian biometric market is an indispensable part of the Russian security industry as a whole. The Russian security market is valued at roughly 5.5 bln Euros and is growing at the annual rate of 12...15 percent. Biometrics has lately become one of the fastest growing sectors of the security industry in Russia. The introduction of biometric travel passports and new border-crossing regulations by many countries gave a new impact to the public interest towards biometrics that is not necessarily altogether positive. Some human rights advocates and a number of religious people claim biometrics to violate their rights. The dispute over biometrics cannot be resolved by administrative measures alone and, taking a socio-humanitarian turn, should be treated accordingly. Thus representatives of the industry, in their search for decisive argument in favour of biometrics, turn to social aspects of biometric applications and the benefits that such applications provide for many spheres of everyday life: culture, health, etc. ...

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16.00 – 16.20 *“Integration border security and management as a program for regional security and as an approach to fight against trans-national organized crime in the Western Balkans”*

**Mr. Strahinja Brajusković** – Anti Trafficking Center, Belgrade, Serbia

**Speaker biography:**

*Education background:* BA in Political Science, Faculty of Political Science, University of Belgrade Thesis: “Social Aspect of Prostitution and Methods of Preventive Work”, 1998. Post-graduation studies: “European Law”, Belgrade-Nance, 2005-2006.

*Professional background:* Member of Initiative for establishing Yugoslav Experts Team for Combating Human Trafficking and Member of this team 2001-2003. The team prepared the Regional strategy for the fight against organizational crime. Consultant for coordination and association European Integration Office of Serbia and Montenegro and for monitoring the field of Justice and Home affairs. The Office was coordinating of the Regional Integrated Boarder

Management Programme. My responsibility was coordinating, both at republican and State Union level, the CARDS Regional project. I was a member of the Working group for preparation of legal harmonization in the field of visas regime and involved in organizing seminars in cooperation with the TAIEX Office, in the field of Freedom, Security and Justice, with the aim of promoting a better administrative capacity. Currently working as a consultant for NGO "Anti-Trafficking Center", Belgrade, Serbia

**Talk abstract:** Organized crime has multiple aspects and therefore represents sensitive issue for all Balkan countries and a huge security problem of the EU. These serious problems should not be neither omitted nor bypassed before obtaining the EU membership.

The Western Balkans countries are located at the crossroads of Europe and the Middle East with political and economic situation that makes it a very appealing area for trans-national organized crime. The war and sanctions in the Balkan have been crucial moments for establishing an open cooperation among the political elites, structures from secret services and organized crime cartels.

This situation is a security problem and not only a strictly regional one. In spite of political changes the basic links between criminal and other structures are still in place. Political discontinuity had been followed by institutional continuity.

Fight against corruption and organized crime and established rule of law has been reached in all the countries through strict reforms in security sector (police, army, security forces). In that sense and in the context of the Stabilization and Association processes, the EU with partners NATO, OSCE and Stability Pact, developed the concept of Integration border management in the Western Balkans as an approach to reform the security system. Successful development and implementation of this concept will be a key for future efficient fight against trans-organized crime, illegal migrations and prevention of terrorist activities.

This program anticipates the development of a modern state system that understands by itself the common state resources. The current framework is still incomplete but remains one of the pre-conditions for future integration inside the EU. Through multilateral cooperation and established IBM, the Western Balkans will play a crucial and defending role in the European security and will become attractive for foreign direct investments.

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16.20 – 16.40 *Discussion and Questions*

### *Session III*

**Title:** *"The application of the principle of proportionality in the restriction of data-protection rights"*

**Time:** Friday, 18 September, 09.10 – 10.35

**Location:** Silver Room

**Rationale:** The principle of proportionality is a fundamental principle of the EU data-protection law. *How is this principle considered in the legislative measures involving the restrictions of data-protection rights for public interests? Can we find a balance between "an important public interest" and the data-protection rights? Which data-protection rights are more and which less important when compared to "an important public interest?"*

09.10 – 09.20 *Chair's Introduction*

**Prof. Abu Bakar Munir** – Professor of Law, Faculty of Law, University of Malaya, Malaysia

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09.20 – 09.40 *"A fundamental human right to the protection of personal data and where are the limits?"*

**Ms. Hana Pecháčková** – Legal Affairs and Policy, DG Justice, Freedom and Security, EC

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09.40 – 10.00 *"Data protection rights and new challenges in Hungary - necessity and proportionality"*

**Ass. Prof. Judit Zeller** – Assistant Professor, Faculty of Law, University of Pecs, Hungary

**Speaker biography:** Judit Zeller was born in 1979 in Pécs, Hungary. She graduated from the Faculty of Law, University of Pécs in 2002 and from the Faculty of Humanities, University of Pécs (branch of studies: psychology) in 2007. She started her PhD studies in 2002 and defended her thesis at the Faculty of Law in 2009. Her research interests involve the legal aspects of bioethics and biomedicine, theory and practice of fundamental rights in the 21st century, comparative constitutional law, social representation of human rights and biomedical research.

She currently works as a lecturer at the Department of Constitutional Law at the Faculty of Law in Pécs. Since 2008 she works also at the Parliamentary Commissioner's Office. She is the author and co-author of book chapters, and papers published in Hungary and abroad and delivered at the international scientific conferences (in Poland, Germany, United Kingdom and France).

**Talk abstract:** The method of biometric identification offers several advantages over traditional identification methods, but also poses new questions in the field of human rights. The utilization of biometrical data is primarily a tool of the fight against terrorism, within this objective it is used for the identification of individuals, consequently for the control of the free movement of persons. The regulation on biometric identification in the EU has been developed gradually in the last few years; Regulation 2252/2004/EC can be regarded as the basic regulatory act on the implementation of biometric identifiers to which several EU and non-EU organizations defined their critical position.

With the access to the European Union, the implementation and execution of the Community law had also become obligatory for Hungary. To fulfil this task, several national acts had to be modified; nevertheless, biometric identification is still a foreign body in the Hungarian legal system. In the light of the decisions of the Constitutional Court of Hungary on data protection and self-determination in connection with personal information, the question arises, whether the use of biometric data complies with the postulate of necessity and proportionality. Biometric identification can be regarded as the instrumentalization of the human body or of the parts of the human body which is questionable under the protection of the right to life, human dignity and privacy. This identification method also restricts the right to free movement.

Whether we consider it advantageous or disadvantageous for the development of the society, Hungary shall cope with the tasks set out in the directives and regulations of the European Union. This means that a proper regulation on biometric data shall be passed in a short time to integrate the biometric identifiers as a new kind of personal data explicitly into the Hungarian data protection system. Besides these regulatory needs, it is certainly important to make the issue of biometrics the part of a debate. Biometrics can be replaced by other identifiers as well, which are less intrusive and launch fewer concerns in the society.

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10.00 – 10.20 *“Reconciling proportionality: dilemmas of privacy, security and trust in data exchange and data protection”*

**Prof. Juliet Lodge** – Co-director of the Jean Monnet European Centre of Excellence, University of Leeds, UK

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10.20 – 10.35 *Discussion and Questions*

## Session IV

**Title:** "The implementation of harmonizing practices in the New Member and Balkan States"

**Time:** Friday, 18 September, 11.00 – 13.15

**Location:** Silver Room

**Rationale:** The appreciation of what may constitute "a necessary measure" and an "important public interest" is a major source of discrepancy among national legislations. The implementation of harmonising practices in this field is a vital issue. *What are the discrepancies that are related to the restrictions of data-protection rights? How can the legislative practices in this field be harmonized?*

11.00 – 11.10 *Chair's Introduction*

**Mr. Goran Klemenčič** – State Secretary of the Ministry of Interior, Slovenia

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11.10 – 11.25 *"Law Enforcement Authorities - Place for Promotion of Personal Data Protection Culture?"*

**Ms. Marijana Maručić** – Director of the Directorate for Personal Data Protection,  
the former Yugoslav Republic of Macedonia, FYRM

**Speaker biography:** Ms. Marijana Maručić is graduated jurist with bar exam.

Ms. Maručić was appointed as a Director of the Directorate for Personal Data Protection by the Assembly of Republic of Macedonia at June 2005. Her duties as a Director in the Directorate are of managerial nature and she is included in all activities of the Directorate such as development of the principals of data protection, comparative analyses of laws, creation and development of the administrative procedure in the field of data protection, contacting and cooperating various state and private institutions in the field of data protection, preparing reports and cooperation with the media which is very important for awareness raising.

As graduated jurist, she begins her career as apprentice in law at Lawyer's office, where she acquired practical training in all areas of law. Her next steps that contributed in further development of the law career were as expert associate at law – Barrister and then as Attorney at Law, providing legal aid in the field of Civil, Criminal and Commercial Law and representing clients before courts.

She is also educator or executive organizer of numerous lectures, trainings and held seminars in the field of legal aid and personal data protection. She is upgrading her educational background with Master studies in political, legal and communication studies.

**Talk abstract:** This talk presents an overview of the necessity of the existence of a balance between the measures that need to be taken to fight against crime by the law enforcement authorities, on one hand, and respect for human rights, on the other hand, especially personal data protection and privacy right. The main aim of the article is to give the answer of the crucial question: *Could the Law Enforcement Authorities be the place for Promotion of Personal Data Protection Culture?*

Through research of the different aspects of the personal data protection right by the law enforcement authorities, the article analyzes practical aspects of this issue in the Republic of Macedonia, in the same time establishing theoretical grounds for further research.

The concept for the personal data protection right by the law enforcement authorities was introduced for the first time in the Law on Amendments and Modifications of the Law on Personal Data Protection in 2008, although this was a "hot" issue since the establishment of

the Directorate for Personal Data Protection. Namely, one of the most important amendments made in 2008 was that the provisions of the Law on Personal Data Protection will be fully applicable in public security of the country and criminal procedure.

The article analyzes the most important provisions stipulated in the Law on Personal Data Protection and the other laws that are in direct connection with the protection of privacy in general by the law enforcement authorities, such as Law on Police, Law on Internal Affairs, Draft Law on National criminal-intelligence database and Draft Code of Criminal Procedure. At the same time this article gives a comprehensive overview of all important projects relating to respect of personal data protection and privacy right by the law enforcement authorities in which Directorate for Personal Data Protection is included, provides a summary of international standards in relation to the topic and presents the current situation concerning the actual implementation in the Republic of Macedonia.

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11.25 – 11.40 *“Public interest - data protection, practice and experience in Croatia”*

**Mr. Franjo Lacko** – Director of the Croatian Personal Data Protection Agency, Croatia

**Speaker biography:** Franjo Lacko was appointed as the first director of Croatian Data Protection Agency in 2004 and has recently been re-appointed for a further term of office. He has been heavily involved in establishing the first Croatian’s DPA and protecting privacy program in Croatia.

He graduated from Faculty of Law, University of Zagreb.

Prior to becoming director of Croatian Data Protection Agency, for more than twenty five years, Mr. Lacko has developed his professional skills in the public sector, specifically, in the Ministry of Economy and the Croatian Parliament. In the City Council of the City of Zagreb he was the Head of the City Department of Planning, Environmental Protection, Construction, Utility Services and Traffic.

He is the author of numerous articles in specialized magazines in the field of data protection and has participated in national and international research and projects on public administration, protection of fundamental rights and data protection.

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11.40 – 11.55 *“MARRI’s experience in the role of new technologies in migration management in Western Balkans states”*

**Mr. Mario Zadro** – *External Relations Officer*, the Migration, Asylum, Refugees Regional Initiative (MARRI) *Regional Centre*, the former Yugoslav Republic of Macedonia, FYRM

**Speaker biography:** Mario Zadro was born on 15 March 1972.

He holds BA in International Relations from the DePaul University in Chicago and MA from Central European University in Budapest, and he has studied at postgraduate level at Università Cattolica and IULM, Institute of European Studies in Milan. He also graduated with honours at the Diplomatic Academy of the Ministry of Foreign Affairs, Zagreb.

Mr. Zadro worked as Staff Analyst for the International Human Rights Law Institute (IHRLI) in Chicago (1994-1995) and as Academic Counsellor at the Institute of European Studies in Milan (1996-1997).

In his working experience for the Ministry of Foreign Affairs of Croatia since 1999 he has worked as attaché in the Human Rights Department, attaché assigned to the Government Office for Cooperation with the ICTY and ICJ, Third Secretary at the Embassy of Croatia in Dublin and First Secretary in the Office of the Deputy Minister/State Secretary for Political Affairs.

In 2005 until now he is seconded by the Croatian Government as State Official/External Relations Officer to perform the following tasks: liaison with the Croatian government

authorities and other MARRI Member States' governments, international organisations and NGOs; fundraising; donor coordination, awareness building and public relations, development of information strategy, liaison with media, managing content of website and publications.

**Talk abstract:** The Migration, Asylum, Refugees Regional Initiative (MARRI) deals with the issues of migration management in the Western Balkans since 2005 by promoting closer regional cooperation and a comprehensive, integrated, and coherent approach to the issues of migration, asylum, border management, visa policies and consular cooperation, refugee return and settlement in order to meet international and European standards, as a vital part of EU integration process and in line with the Thessaloniki Agenda for the Western Balkans. VISA FACILITATION STRATEGY is one part of the long-term perspective of the full liberalisation of the visa regime in relation to EU countries in Western Balkans. This is part of a coherent regional approach, reflecting the European perspective of these countries and the need to promote stability, prosperity and security on our continent. To achieve visa abolition has taken a huge amount of work, the introduction of modern biometric passports being only a first step.

DOCUMENT SECURITY, including biometrics, is one of the primary conditions for easing visa restrictions. In this context, the MARRI Regional Centre launched one-year project (2007-2008) on Document Security and the Establishment of Identity in the Western Balkan region. BIOMETRICS. Given that biometrics has a broad impact on migration management, MARRI closely monitors the latest biometric developments. Even though ICAO and ISO have made a concerted effort to develop global interoperability standards for biometrics, the interoperability of the different systems and applications used within the migration chain still needs to be improved.

INTEGRATED BORDER MANAGEMENT. Integrated Border Management is crucial for improving regional stability in the Western Balkans. Practical measures including exchanging experiences on border control, training, and joint operations have a key role in further improvements in this field.

CONCLUSIONS. In general, the development of new technologies has had an important impact on the security document industry. Although biometrics is a comparatively recent phenomenon, it has made considerable inroads in recent years. Keeping pace with new technologies presents many countries with a considerable challenge. In this respect, the MARRI Regional Centre believes that the improved quality of travel documents and related issuance and inspection systems makes a significant contribution to the overall quality of the migration management system.

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11.55 – 12.10 *Discussion and Questions*

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12.10 – 12.30 *Coffee Break*

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12.30 – 12.45 *“ECRN European Civil Registry Network”*

**Mr. Antonio D’Amico** – The Inclusion Alliance for Europe GEIE, Italy

**Mr. Stane Štefančič** – Genis, Slovenia

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12.45 – 13.00 *“Civil Registration System in Slovenia”*

**Mr. Silvo Režek** – Internal Administrative Affairs Directorate, Ministry of the Interior, Slovenia

**Speaker biography:** Silvo Režek has extensive professional experience in developing of information systems in Slovenia since the very beginning of the process in 2004. As deputy head of the Section for Central Register of Population and Data Management at Ministry of the Interior, he serves as adviser for important reforms and upgrades and took part in several expert groups preparing guidelines for implementation of different solutions serving the e-government process. He is national coordinator in important EU project RISER and co-operates in projects such as STORK and ECRN. He took part in several country missions of the Slovenian Ministry of the Interior in the republics of former Yugoslavia to render advice on information system development.

**Talk abstract:** In Slovenia, the Central Register of Population (CRP) operates since 1980 with the intention to provide basic personal information to all legitimate users from one common central point, at the same time and of the same contents. Preconditions for such a goal are: personal identification number (PIN) assigned to every individual in Slovenia; its inclusion in all data collections; quality primary sources of data; well organised data flow; consensus in the society for exchange of personal information among government and public institutions. New technologies enable the development of register orientation in Slovenia and e-government movement. All the data in CRP are up to date because CRP is integrated with main sources: Register of Population, Register of Civil Status, Register of Foreigner, Register of Territorial unit etc. Nowadays CRP is the central point for information on persons either by means of classical media or electronic services.

The data process is determined by acts at all levels. CRP users are responsible bodies competent for operating data bases with personal information. They can receive up to date basic data from the CRP: PIN, name and surname, place of living, citizenship, vital status, family relations, etc. Apart from the big national data bases, small individual users that operate data bases with specific cohorts are also common.

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13.00 – 13.15 *Discussion and Questions*