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Workshop Report

Restrictions in the Implementation of the EU Data Protection Directive for Public Interest, Security and Defence

17-18 September 2009, Ljubljana, Slovenia

The workshop on *Restrictions in the Implementation of EU Data Protection Directive for Public Interest, Security and Defence*, was the second of the two problem-solving workshops to be held in the HIDE project. The workshop is part of the activities carried out within the HIDE project Work Package 5.

This one-and-a-half-day workshop took place at Grand Hotel Union – Hotel and Conference Centre, Miklošičeva 1, Ljubljana, Slovenia on 17-18 September 2009.

A total of 47 people, including 19 speakers, participated in the workshop. The workshop was organized by the Laboratory of Artificial Perception, Systems and Cybernetics, Faculty of Electrical Engineering, University of Ljubljana, in cooperation with the Centre for Science, Society and Citizenship (CSSC), Italy.

This report summarises the results of the workshop, session by session.

Annexes to this report:

Annex I: Workshop brochure with overview of sessions

Annex II: Abstracts of presentations

Annex III: Speaker's presentation slides

- a. Nataša Pirc Musar
- b. Neil Robinson
- c. Joseph A. Cannataci
- d. Vít Zvánovec
- e. François Géré
- f. Alexander G. Ivanchenko
- g. Strahinja Brajušković
- h. Judit Zeller
- i. Juliet Lodge
- j. Marijana Maručič
- k. Franjo Lacko¹
- l. Antonio D. Amico
- m. Silvo Režek

Annex IV: List of participants

Annex V: Short biographies of speakers and chairs

Annex VI: Workshop audio recordings

¹ Mr. Franjo Lacko's presentation was given by his deputy Snježana Grgič

Background

One of the main purposes of the workshop was to bring together individuals and representatives from European governmental and non-governmental organisations, with the emphasis on the New Member and Balkan States, to identify and discuss ethical and other issues related to the restrictions of the scope of rights in the implementation of the EU data-protection principles when such restrictions constitute the necessary measures to safeguard important public interests, security and defence. The workshop was also an opportunity to address these issues in a broader international context. It aimed to create a forum for a dialogue by bringing together speakers with expertise in different academic areas as well as representatives from governmental institutions and industry affected by the European data-protection directive.

Workshop Theme

The main theme of the workshop was related to Article 13 of the Directive 95-46/EC, stating that Member States may adopt legislative measures to restrict the scope of the rights provided for in this directive when such a restriction constitutes a necessary measure to safeguard national security, defence, public security, crime prevention, etc. It is well known that the existing practices and the legislative measures regarding the above article are not harmonised across the EU Member States. This is especially true for the New Member and Balkan States. The world economic crisis, organized crime activities, terrorist and health threats, have forced Member States to adopt new legislative measures and deploy biometric and personal detection technologies that are used to safeguard the public interest, security and defence. However, what each Member State wants to do in order to determine its level of security differs from state to state, and their appreciation of what may constitute "a necessary measure" and an "important public interest" is, by its very nature, a major source of discrepancy among the national legislations. For this reason the implementation of harmonising practices in this field remains an important issue.

Following the enlargement of the EU, the New Member States are now in charge of monitoring the external border of the EU. The enhancement of the European border-security level requires a better interoperability of the technologies deployed at borders, such as biometrics, but also poses some harmonisation problems. In particular, the application of the principle of proportionality has raised controversies in some New Member States. We need to reconcile two fundamental requirements: to effectively tackle threats to people's lives in Europe, especially in security matters, and at the same time to protect fundamental rights, including data-protection rights.

With these objectives in mind, the workshop was organized around four main themes: 1) the circumstances that may lead to the restriction of EU data-protection principles; 2) the impact of counter-terrorist border-control legislative measures on privacy protection; 3) the application of the principle of proportionality to the restriction of data-protection rights; 4) the implementation of harmonizing practices in the New Member and Balkan States.

Workshop Format

The workshop was designed to bring together individuals from different sides of the privacy vs. security conflict in a “safe” environment to address questions that are otherwise difficult to discuss. A few basic rules for the workshop were:

- The workshop is a dialogue, not a debate: participants are not being asked to defend their own views or to find the weakness in others’ positions, but to explain their own perspectives;
- Parties speak for themselves only, not as representatives of groups, institutions, governments, etc.
- Parties are expected to use the rich, multidisciplinary, context to identify small but meaningful steps to take; they are not expected to find one-shot resolutions of complex problems.

An important goal in this workshop was strengthening the perception that further dialogue among the participants is going to be fruitful due to increased insights into each other’s perspectives, and the sense that conversation is of value.

Designing the Workshop

The one-and-a-half-day workshop programme was divided into an opening session followed by four major sessions addressing the four main themes. The scope of each session was defined by the workshop programme committee (Emillio Mordini, CSSC, Nikola Pavešić and Simon Dobrišek, UNILJ).

A short description of the scope of each session² and the working questions were sent as part of the invitation letter to the chairs and speakers. The invitation letters were sent to over 35 individuals and representatives from 20 European and non-European countries, with the emphasis on the New Member and Balkan States. The invited chairs and speakers were selected according to their expertise in relation to the workshop themes. All four sessions were carefully planned to ensure that speaker presentations addressed all the working questions from different perspectives. A working title for their presentations was suggested to each of the invited speakers. They were asked to prepare the abstracts³ of their presentations and to deliver them four weeks before the workshop.

All the presentations and discussions were recorded using a discussion system. Voice recordings separated into session folders and are available in Annex IV.

² The scope of the workshop and all the sessions was outlined in the workshop brochure (see Annex I).

³ The abstract of presentations and speaker’s slides can be found in Annex II and Annex III.

Dissemination

The information about the workshop was disseminated via the project HIDE website and the website of the Western Balkan countries INCO-NET project (Coordination of Research Policies with the Western Balkan Countries). Additional invitation letters were sent to the representatives of all the Information Commissioner offices in the New Member and Balkan States, the Ministry of Internal Affairs of the Republic of Slovenia, EC DG Justice, Freedom and Security, OECD's Science, Technology and Industry Directorate, etc.

Speakers

A total of 19 speakers and 4 chairs from 12 countries responded to the invitation and agreed to participate in the workshop. The list of speakers is given below. Their short biographies are given in Annex V.

Opening Session:

Nataša P. Musar – Information Commissioner of the Republic of Slovenia

Session I:

Neil Robinson – Senior Policy Analyst, RAND Europe, UK

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

Saša Janković – Ombudsman of the Republic of Serbia

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

Vít Zvánovec – Data Protection Authority, Czech Republic

Session II:

François Géré – Director of the Global Security Network, France

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

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

Strahinja Brajusković – Anti Trafficking Center, Belgrade, Serbia

Session III:

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

Judit Zeller – Assistant Professor of Law, Faculty of Law, University of Pecs, Hungary

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

Session IV:

Marijana Marušić – Director of the Directorate for Personal Data Protection, the former Yugoslav Republic of Macedonia, FYRM

Franjo Lacko (represented by **Snježana Grgič**) – Director of the Croatian Personal Data Protection Agency, Croatia

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

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

Stane Štefančič – Genis, Slovenia

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

Chairs:

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

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

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

Thomas Murray – The Hastings Center, USA

A total of 46 people from 20 countries registered and participated in the workshop. The list of all the workshop participants is given in Annex IV.

Thursday 17 September

Opening Session

(Silver Room: 09.00–09.50)

The workshop was opened by Prof. Nikola Pavešič, University of Ljubljana, Slovenia and Prof. Emilio Mordini, Coordinator of the HIDE project, CSSC, Italy. The opening remarks were followed by the lecture of Nataša Pirc Musar. Her lecture is outlined below.

Nataša Pirc Musar

I have a gun so I have the right to shoot!

In the opening lecture, Pirc Musar raised the question of whether we are allowed to use all the possibilities modern technology offers us just because we have it to hand. A lot of sophisticated gadgets that make it possible to intrude on someone’s privacy are available on the market, but does that mean we can use them with no limitations? The widespread use of these technologies is deriving from their seductive nature and lack of friction that would balance their proportional use in the light of the protection of basic human rights versus other rights and interests. Pirc Musar contended that the fundamental principles of personal data protection, such as data minimization, proportionality, security, purpose specification, accuracy and quality, remain the only stable lighthouses that should be able to withstand the technological challenge. For this reason, it is very important to build upon the fundamental principles of data protection and to combine them with proactive privacy-protection tools, such as privacy-impact assessments and privacy by design. In this context, she gave an example of a vehicle-tracking system and how such a system should be designed to prevent unnecessary data collection and disproportionate use. In the second part of her lecture, Pirc Musar addressed

the everlasting question of the relation between employer and employee and how to strike the right balance between the rights that those people have. Following the workshop themes, Pirc Musar contended that the right to privacy and the right to security have to be balanced on a daily basis. That is why the data-protection authorities have to have strong tools to shout loudly when they notice that something is going wrong in civil society. Finally, she addressed the example of setting a limitation on the law-enforcement authorities (especially on the secret services) with regard to the secret supervision of computers in the possession of individuals. She contended that the collection of data in advance 'to have in stock' and from randomly chosen individuals is disproportionate and should not be allowed to happen. Pirc Musar concluded that we have to realize that we cannot use all the information technology available on the market without any obligation towards other people that have their privacy rights. In other words, we do not have the right to shoot if we have a gun.

In the short opening discussion, Pecháčková commented that due to the rapid developments in information technology, Directive 95-46/EC now seems to be a bit outdated; however, the directive is strictly technology neutral and the EC would like to keep this principal. Pecháčková reminded the workshop participants that the EC has opened online public consultations regarding this directive. Mordini responded that the HIDE and RISE project partners decided to try to prepare a statement as a response to this consultation. Zvánovec explained that the new Labour Code of the Czech Republic contains a provision about surveillance in the workplace. Pirc Musar responded that in the near future it will be necessary to have its own law about privacy rights at work.

Session I

The circumstances that may lead to the restriction of EU data-protection principles

(Silver Room: 09.50 – 13.00)

EU 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. The aim of Session I was to identify and discuss these circumstances and to address questions like - What are these circumstances and who defines them as such? What constitutes "a necessary measure" and an "important public interest"?

The five speakers in this session focused on the circumstances that may lead to the restrictions of personal-data and privacy-protection rights, and under what conditions such restrictions can be applied. Rudi Rizman, who chaired the session, pointed out that we are actually standing on the boundary of two societies, one where freedom and privacy are the norm, and the other where most movements, habits, and transactions are monitored as an aberrant behaviour. He also reminded the participants of the famous statement of Louis Brandeis, who said that the right that is most valued by civilized men is the right to be left alone. The main themes raised during each presentation and in the discussions that followed them are outlined below.

Neil Robinson

Security, at what cost? Quantifying people's trade-offs among privacy, liberty and security

In his presentation, Robinson argued that much of the current privacy vs. security debate occurs at an emotional level, with little evidence informing the argument. His presentation outlined 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. Robinson presented the Discrete Choice Modelling technique that permits a quantification of the choices offered to individuals. This enables a certain understanding how individuals make trade-offs between various policies affecting privacy, security and liberty. Using relevant cost information, they were able to monetise these values, permitting a 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.

In the discussion that followed Robinson's presentation, Tomšič expressed his worries about the potential misinterpretations of the presented research results. Tomšič contended that setting a price on people's liberties and rights as well as selling this to governments for policy-making decisions is problematic from many different perspectives. Robinson responded that he is aware of the sensitivity of these questions; however, he argued that we have to be realistic. From the perspective of policy making, one has to face difficult choices of investments in expensive systems, and quantifications of people's preferences and degrees of comfort are surely helpful for such decision making. Mordini pointed out that the reactions of people that had actually been measured in the presented research are their reactions to the scenarios that might not reflect the real future crisis situations. Consequently, the obtained results might be useful for policy makers only in normal situations, and would be useless for crisis management. Murray noted that the presented methodology gives relevant data not for absolute but just for relative preferences that people have in this area. Robinson agreed and concluded that they see this methodology just as an additional source of information for the policy decisions not necessarily to be relied upon.

Wayne Crews

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

Crews started his presentation with the observation that information sharing is a frontier industry with a lot of risks. In all such industries, we are always dealing with the question of political regulations versus competitive regulations. All risky technologies require regulatory institutions and the question is what kind of institutions will help us protect our privacy. Crews believes that we should not rely on governmental institutions, as in a lot of cases governments themselves are the ones that are violating privacy and other liberty rights. He believes that a free market can do a lot of things to regulate this area. This can be done if information and privacy are considered as products that are subject to regulation in a free market. For instance, if we want anonymity there could be a market for anonymity.

In a lot of cases, vendors do not need to know who you really are, but just what your needs in a certain context are. However, what we are currently doing in the “homeland security” culture is preventing such markets from emerging. In the second part of his presentation, Crews addressed the bad and good biometrics and what are the principles by which we can distinguish between them. Crews breaks biometrics into three categories. The clearly bad are the mandatory national biometric ID cards and compulsory biometric databases and registries. The risky and not necessarily bad biometrics includes government-run face cameras and related technologies, like iris scanners that ride on the top of criminal databases. These should not collect data on individuals other than those already in the database. Crews thinks that this is where the real future privacy fights lie, and the most risk for the sensible evolution of these technologies. On the other hand, good biometrics are countless private uses of information that offer the opportunity for commercial offerings to the public, and those that offer extraordinary security by preventing others from posing as us, and ending rampant identity theft. Crews concluded with the observation that businesses currently compete mostly in the area of the technology that enhances security. We are in the phase with homeland security and changes around the world that make businesses more difficult to offer us the privacy that we want.

In the discussion that followed Crews’ presentation, Juliet Lodge expressed her disagreement with the thesis that emerged from his presentation that governments are bad and doing bad things with the technologies, but industry and the private sector are good and doing good things with the technologies. Crews responded that private companies can always be held with the privacy guaranties and insurances. On the other hand, governments had proved many times that are just not the best sources of privacy protection. Murray asked Crews when, in his view, the use of biometrics by a commercial firm is an appropriate matter for a public policy intervention. Crews answered that for him any contract violation regarding improper information sharing is a public policy matter. Mordini expressed his doubts that market forces can mitigate political power as a lot of huge private companies are very close to government authorities. Crews responded that this is surely true; however, there are usually several huge companies that compete in the same area in the market and this competition forces them to be self-regulated.

Saša Janković

Ombudsman and Similar Institutions as Guarantors of Citizens Rights in Circumstances that Lead to the Restriction of EU Data-Protection Principles

In his presentation, Janković first explained the role of the ombudsman in the republic of Serbia and his relation to the data-protection commissioner. He addressed the main theme of the session by noting that in order to be both legal and legitimate the application of the restrictions must fulfil a number of conditions. Of crucial importance for ensuring adherence to the rule of law and respect for human rights is that the application of restrictions is freely and fully overseen by authorities which are independent of the security apparatus and the executive in general. Janković contended that ombudsman may be one of them, at least in countries in which this institution is mandated not only to monitor the administration in delivering good governance, but also to ensure the respect for human rights, as is the case in Serbia. He addressed the situations when citizens or private companies are restricted in enjoying their rights guaranteed by the EU directive. These situations create even more responsibilities to the oversight institutions to act in these circumstances. In the case of Serbia, this puts the

ombudsman in a difficult position, as all the information that is accessed by the ombudsman cannot be made public. This is because otherwise the citizen rights for security might be violated. The role of an ombudsman as a “guarantor” of respect for human rights in cases where the citizen is affected by the restriction is yet not fully recognized. Janković claimed that the additional legitimacy that may come from the ombudsman’s full and free insight in the application of restrictions, if they are legal and proper, may contribute to the citizen’s trust in law enforcement, security and defence agencies, and therefore improve their performance. He concluded that as long as we realize and openly discuss the threats that come with this mission we have a future.

In a short discussion that followed Janković’s presentation, Mordini raised the point that we should not neglect the role of media in the relation between citizens and their governments regarding the discussed issues. Janković responded that media is, of course, the most important tool to achieve different objectives; however, we should not forget that the media has to be free in order to exercise their role. Janković then explained the current situation in Serbia regarding the draft law on data secrecy, and how his institution and the Serbian media is affected by this situation.

Joseph A. Cannataci

The limits of the rules: the Technology Genie unbottled?

Cannataci first pointed out that the New Member States already have much of the regulatory framework regarding the discussed issues and that sometimes they know about it and sometimes they do not. In his presentation he talked not only about the rules that we need to bring in but also about the rules that already exist, but are perhaps not implemented properly. He went through the history of Directive 95-46/EC and explained that this directive and its Article 13 are 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. He reminded the participants that article 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. He contended that for a full six years after the 1981 convention was opened for signatures there remained a vagueness as to what was actually permissible for security and police forces. 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 20 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. Cannataci then examined the extent to which the notions of “a necessary measure” and an “important public interest” are already addressed by statute and case law. In the last part of his presentation he focused on the future of smart surveillance technology and how the rules come into conflict with the actual technology. He contended that the developments 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. The question he finally asked was whether, once a surveillance technology is unleashed, can it ever be reasonably constrained by legally enforceable rules.

In the subsequent discussion, Mordini commented that Cannataci raised a lot of important issues, in particular about the feasibility of real legislation that could control the exposed Genie. He also argued that we probably also need more social consensus together with the legislation. McCarthy referred to the recent European court decision on the national DNA database. There was a lot of reporting about the court decision in terms of what is proportional in a “democratic society”. He asked Cannataci if he sees any tension between the ideas of the emerging European values and the Member States’ national values that would suggest what a “democratic society” is. In response to this question, Cannataci gave a UK example, where we could see that the UK did not have the right to privacy in common law for a very long time, and here we have seen a strong influence from Europe coming into the UK. However, we have also seen a regress from 1998 to the present position. Munir then asked Cannataci if someone were to challenge the EU directive on data retention and bring it to the European court of human rights, as something that is unnecessary and disproportional, what would be his prediction. Cannataci referred to a case with the German Federal Court, which has actually started such a process, and said that his money is on the Germans.

Vít Zvánovec

Experience of the Czech Data Protection Authority with the Third Pillar

In the first part of his presentation, Zvánovec addressed the position and the role of the Czech Data Protection Authority, especially its difference to the other European DPAs. He presented the current Czech legislation system regarding personal information and data-protection rights as well as the organization of the Czech police. He continued with the problems of defining sensitive data and important public interests. Zvánovec gave an example of the recent decision of the Czech Constitutional Court dealing with the important public interest that was not directly related to data-protection principles. The case was with the elections, and the court surprisingly decided that the elections are not important in the public interest. In the second part of his presentation Zvánovec presented two interesting cases that were inspected by the Czech DPA. These two cases revealed large bureaucratic problems in the cooperation between the police and the judicial authorities and also between national police forces with regard to the European Visa system. According to his experiences, Zvánovec claimed that, in theory, the current visa system is European, but in practise it is still national. At the end of his presentation, Zvánovec posed a question for the discussion regarding the proportionality of the current extensive use of CCTV cameras in public places.

In the discussion, Mordini asked Zvánovec if he thought that the interoperability and communication problems between national law enforcement authorities is more or less just a technical problem or is there anything that European DPAs should say about this. Zvánovec responded that DPAs have responsibilities and enough power so that they can press on the law-enforcement authorities to improve the communications and system interoperability.

Session II

The impact of counter-terrorist border-control legislative measures on privacy protection

(Silver Room: 14.00 – 17.00)

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. The aim of this session was to identify and discuss these interferences and to address questions like - 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 the EU borders safe? What privacy price do EU citizens pay for this safety?

At the beginning of the session, Iztok Prezelj, who chaired the session, reminded the audience that historically borders were always there as demarcation lines between us and “the others”, and as such they greatly contribute to our identity. He reminded the participants that the modern state system is built on the basis of the Westfalian accord among states, saying that states will respect mutual borders. On one hand, we need borders as they are part of our identity and, on the other hand, we see the development of open societies based on the free exchange of people and ideas as well as the development of a liberal economy based on free trade and the exchange of goods. The mantra of the present time is international cooperation in all areas. We are thus dealing with the paradox that we want borders but we also want them to be opened. This relation is further complicated when we have to deal with transnational threats, and there are plenty of them. The themes introduced during the presentations and in the discussions that followed them are outlined below.

François Géré

“Travelling free or travelling secure? The role of biometrics across European and International borders”

Géré started his presentation with an analysis of the recent newspaper headlines that reflect the current political attitude towards new information technologies. His analysis suggested that many current decision makers have no idea how to deal with modern information technology and what impact this technology has on their own way of living and ruling their countries. Géré continued with the observation that it is often argued that Europe is a besieged fortress and, in general, it seems that we should agree with this observation. He then looked at this problem the other way around. The fact is that western societies have become themselves migrant, and in some parts of the world are perceived as invaders. More and more citizens cross the borders both for business and leisure. Therefore, they want to travel quickly and securely. Not only are they ready to abandon parts of their freedom and privacy, but they are asking for more security, regardless of the potential dangers. Géré then gave several examples of the rapid evolution of the border-control systems in this direction and how biometric technology enabled this development. However, as Géré pointed out, this technology also brought many new problems and threats, and he presented some of them in the final part of his presentation. Géré concluded that on the basis of a mutual contract between the

state and its citizens, democratic governments have to refrain from measures which in the future could turn negative and protect the average traveller against the consequences of some of its excessive demands.

In the discussion, Dobrišek raised the question as to what extent the current border-control biometric systems truly work as reliable security systems and to what extent such systems are deployed just to enable some sort of “placebo” security. Géré argued that this question is not purely technical; it is also a political question, as governments make decisions most of the time under the pressure of security events. Mordini commented that like Ben Gurion airport, mentioned in Géré's presentation, the whole world is moving from a mess to a well ordered society and such societies can be ruled by ruling the individual citizens or by ruling groups of people who correspond to specific regulations.

Vojislav Milošević

Is biometrics technology a "silver bullet" for terrorism?

At the beginning of his presentation, Milošević pointed out that 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. He claimed that terrorism affects all parts of the world, and meta-terrorism is on the rise, which essentially "absorbs" homeland, sponsored trans-national and planetary terrorism. According to his opinion, anti-terrorism is an adequate response to terrorist strategy as it contains an "antidote" defined in the skills of preventive action and protection of the rights of man, nations and governments - to life and sovereignty. Milošević noted that biometric technologies are being marketed as a "silver bullet" for terrorism; however, there exist many well know concerns, which he then pointed out in his presentation. For instance, biometric systems are useless without a well-considered threat model, biometrics are no substitute for quality data about potential risks, biometric identification is only as good as the initial ID, etc. Consequently, Milošević contended that biometrics is surely not a “silver bullet” for terrorism. In the main part of his presentation, Milošević addressed several conspiracy theories that, in his opinion, reveal the true interests and secret societies that are hidden behind the past political decisions around the world.

In the subsequent discussion, Prezelj responded to Milošević's claims, related to the presented conspiracy theories, by saying that perhaps the development of biometric technology is also part of some conspiracy. Modini added that usually there is not just one conspiracy, but there are hundreds of them, and the reality is that all these conspiracies are conflicting and merging in a casual way. Mordini contended that people who are trying to govern human history are usually not even able to govern properly their own lives and their approach to politics usually provokes human disasters. Milošević responded that perhaps some people want us to believe that there exists just conspiracy theories, but in the background their intention is to hide the roots of their true interests.

Alexander G. Ivanchenko

Social Aspects of Biometric Applications in Russia

Ivanchenko first briefly presented the Russian security industry. The Russian security market is valued at roughly 5.5 billion euros and is growing at an annual

rate of 12 to 15 percent. He presented the structure of the market, which is divided into the guarding services and technical security services. The principal customers are commercial reality, banking, retail trade, etc. Ivanchenko then focused on the biometrics industry and explained that the Russian biometric market is an indispensable part of the Russian security industry as a whole. Biometrics has lately become one of the fastest-growing sectors of the security industry in Russia. He then gave a brief account of the major players in the different sectors of biometrics. He continued by focusing on the research relating to the main fears of the Russians, and pointed out that people living in the cities that had experienced terrorist attacks, like Moscow, had considerable greater fears of a terrorist attack than people living far from such areas; even though this does not mean that they are less threatened. Ivanchenko argued with the previous speaker that biometric systems do not provide that much security. He contended that such systems are perhaps not a silver bullet, but they are a club, they cannot "kill" terrorism as such but they can stun it. However, 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 that biometrics violate their rights. However, the dispute over biometrics cannot be resolved by administrative measures alone and, taking a socio-humanitarian turn, should be treated accordingly. Thus, the representatives of industry, in their search for a 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.

Zvánovec asked Ivanchenko if he has any experience with the privacy-enhancing technologies, and Ivanchenko answered that this was not the question he has raised in his time. Cannataci raised the question of the proportionality and asked Ivanchenko to what extent he sees a willingness to discuss proportionality in Russia. Ivanchenko explained that up to now Russians are more inclined to support whatever measure are taken to protect them. He contended that it only takes one experience at the scene of an act of terrorism for the impression to remain for the rest of your life. When the situation becomes calmer the question of proportionality will probably be raised. Janković pointed out that the rapidly growing security industry, on the one hand, and the limited supervisory authorities, on the other, seem to be unbalanced. At the end of the discussion, Mordini raised the question about the progress in the system-interoperability issues between Russia and Europe. Ivanchenko responded that he has no such information.

Strahinja Brajušković

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

Brajušković started his presentation by pointing out that there is a deep rift still going through the Western Balkans when it comes to cooperation between countries. While states still have trouble in cooperating, organized crime does not. He then presented the current situation of organised crime in the Western Balkans. Balkan societies are known for a great number of socio-pathological phenomena, among which are political assassinations, planned murders and high-profile assassinations in which the victims have been journalists, politicians, businessmen, policemen, and judges. Brajušković addressed a phenomenon

called the “white collar crimes”, which is the concentration and control of a huge rich and formed political mafia. This phenomenon characterizes the partnership of political elite and criminal clans with the coordination of the secret services, which organized the biggest smuggling activities in the history of Europe. He argued that in this context it is very important to raise the question of the role of the security system. Then he presented the idea and the history of the integrated border security and management initiative in the Western Balkans. This concept was developed by the Stabilization and Association Process, the EU with NATO, OSCE and the Stability Pact. Brajušković pointed out that the Integrated Border Management remained incomplete, but it is still one of the pre-conditions for future EU integration. He concluded that without regional networking there is no confident approach to solving security problems and organized crime repression will be a simulation which is, again, a new manipulation of the old power centres.

Day 1 Concluding Remarks

Session II was followed by a short general discussion where all the participants had the chance to discuss issues that were not necessary directly related to specific presentations, and to make concluding remarks for the first day of the workshop. Stefančič briefly presented the company Genis and its cooperation with the Slovenian Ministry of the Interior. Stefančič argued that the general administrative system has to be properly established prior to the deployment of biometric systems, in order to reduce security and privacy risks. Mordini agreed that the administrative infrastructure and the supporting automatic information systems are an absolutely critical problem as they determine the degree of liberty of the population. Niculescu asked Mordini if there is room to increase the promotion of values-sensitive design into the engineering environment such that the values that we cherish are actually being implemented in the information technologies that we use for this infrastructure. He argued that we should talk about privacy by design and values-sensitive design more broadly. Mordini responded that this is actually one of the challenges of the HIDE project, to promote this kind of awareness into the technology environment. Mordini then made a concluding remark that behind all the discussions today there was an issue of secret information or the degree of knowledge that the general public have about their society. Mordini proposed that one of the future activities of the HIDE project should perhaps be to try to develop some sort of taxonomy of secrets. There are different levels of secrets and Mordini gave an example of the so-called Pulcinella secret, which is a term for the "secret" that everybody knows. Mordini concluded with the question about how many well-guarded secrets in our societies are just Pulcinella secrets.

Friday 18 September

Session III

The application of the principle of proportionality in the restrictions of data-protection rights

(Silver Room: 09.10 – 10.35)

The principle of proportionality is a fundamental principle of the EU data-protection law. The aim of this session was to discuss the application of the principle of proportionality in the restrictions of data-protection rights. The working questions of this session were – How is this principle considered in the legislative measures involving the restrictions of data-protection rights for the public interest? 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”?

In an introductory remark, Prof. Abu Bakar Munir reminded the participants that according to Directive 95-46/EC all the restrictions on personal-data and privacy-protection rights must pass the proportionality test; however, the principle of proportionality has many different formulations and even in the same court it can be articulated differently. Under the proportionality test, the burden of justification for government actions affecting privacy rights varies tremendously, depending on the public interest being pursued, on the one hand, and the right at stake, on the other. In this respect, the question that needs to be addressed is whether the action adopted and the means employed are proportional to the legitimate aim pursued by the action. This requires the answers to several questions like – Is there any evidence that government action can achieve the stated purpose? Is the government action necessary for accomplishing the stated purpose or would alternative means accomplish the same purpose with a lesser burden on the privacy right? Would alternative means accomplish the same purpose with a lesser burden on the privacy right?

Hana Pecháčková

A fundamental human right to the protection of personal data and where are the limits?

In her presentation, Pecháčková first elaborated on the general issues of balancing between the public security and privacy. She pointed out that in Europe people’s trust is twofold –citizens entrust authorities with the task of protecting them against crime and terrorist attacks; however, at the same time, they entrust them with safeguarding their fundamental rights, and the authorities cannot risk losing this trust. This means that any necessary steps authorities take to enforce security must always be accompanied by adequate safeguards to ensure scrutiny, accountability and transparency. She reminded the participants that the principle of proportionality is the core principle in the protection of human rights in relation to any measure restricting the fundamental right to privacy as required by Article 8 of the European Convention on Human Rights. The problem is that we have more and more data exchange and, for instance, traffic data retention interferes with the

fundamental human right to confidential communications that is guaranteed by the mentioned Article 8. Pecháčková contended that the powers available to law-enforcement agencies in the fight against crime and terrorism must be effective but cannot be unlimited or misused. What worries Pecháčková is that we can witness an increasing tendency to represent the protection of personal data as a barrier to the efficient fight against organized crime and terrorism. The European data-protection authorities have proven that this statement is misleading as the directive also contains necessary exemptions to fight against criminality within the limits authorised by the European Convention on Human Rights. Pecháčková then briefly presented the Hague programme that was developed to encourage legislation to ensure public security and the fight against terrorism, and the shift to the Stockholm programme. At the end of her presentation, Pecháčková underlined the independency of the authorities that control and process the personal data. In this context, the independency of supervisory data-protection authorities is extremely important.

Judit Zeller

Data protection rights and new challenges in Hungary - necessity and proportionality

Zeller started her presentation with the statement that the utilization of biometrical data is a very important tool in 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. She addressed two questions in connection with the use of biometrics in Hungary. The first one was the question of the travel-documents legislation and the second one the legislation on criminal records. 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 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. Zeller contended that whether we consider it advantageous or disadvantageous for the development of 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 a part of the debate. Biometrics can be replaced by other identifiers as well, which are less intrusive and launch fewer concerns in society.

Juliet Lodge

Reconciling proportionality: dilemmas of privacy, security and trust in data exchange and data protection

Lodge started her presentation by pointing out that we have to ask questions about the society we want because proportionality is a contingent concept and it depends on its environment. The necessary measure versus important public

interests always raised issues on contingency. The concepts of proportionality and fitness for purpose are relatively uncontested. The issues at stake can be viewed from several different vantage points to validate many different positions. What we need is reflection and the mainstreaming of e-futures into a political agenda and priority setting. Lodge emphasised the need to protect the vulnerable, whether they are children or the handicapped. There are doubly vulnerable when they cannot consent because they cannot understand the legislation and how the security systems are used or misused. She illustrated her points on the basis of her research on creating a system that would allow the secure exchange of information across borders. Lodge gave several comments that reflect her experience with this research, both from the technical point of view and even more from the point of view of those who are going to use the system. The core points she made were related to proportionality, the question of the consent of the data subject, the ethical use of biometrics and any systems which allow information exchange across borders. She stated that liberty, security, privacy and proportionality are always contextualized, and in this workshop we have talked a lot about the context of border management. The real problem in this context is not the proportionality test but how the technology is used or abused and the function creep of how we interpret proportionality as exceptions to transparency and openness. She pointed out that the so-called e-security is actually about the privatization of accountability and unaccountability. In the second part of her presentation, Lodge addressed the issue of the secure geo state and key terms like, inclusion, exclusion, belonging, us – the good, them – the bad, etc. Who or what controls the border? She concluded with the quote from the convention on the future of Europe that citizens must be able to understand the system so that they can identify its problems, criticize it, and ultimately control it. Her argument is that the systems are not in control, citizens do not understand it, and they cannot identify the problems with it, so they cannot criticize it.

Session III Discussion

The three presentations were followed by a general discussion. Zvánovec first asked Zeller about the public opinion on the national identification number in Hungary, and if there are any problems as citizens have to memorize several identification numbers for different purposes. Zeller responded that there are some more or less bureaucratic problems, but people begin to understand that this is for their own protection. Dobrišek then referred to the system-transparency issue addressed in Lodge's presentation. He argued that, from a technical point of view, it is probably impossible to make information-sharing systems transparent because the majority of people will never understand how such systems operate. Lodge responded that the issue of transparency is not so much an issue of the technology that needs to be transparent. In a way, one has to argue the opposite to provide security by obscurity. What she meant was that the way in which governments are using the technology in private and public partnerships with industry is invisible to the public, so the public think that the government is in control when it is not. Pecháčková added that the EC takes into consideration the introduction of a kind of certification scheme that would approve the technology as privacy and data-protection friendly.

Mordini raised the question of merging data that surely represents a serious threat to data-protection principles. Merging data is the trend, even for the EC. He asked

Pecháčková why the EC - DG Enterprise and Industry launched a call for projects in which there is a topic on data fusion between law enforcement agencies for forensic reasons. Pecháčková first explained that data fusion for unspecified purpose is not ethical, and it is not legal. Mordini reacted that this should probably be explained to the DG Enterprise and Industry. Lodge supported Mordini's position by stating that it is not enough to say that one cannot merge databases as data fusion can also be accomplished by putting together small pieces of information from different sources, and the combined information could be far more intrusive than the original pieces of information. Pecháčková agreed that the combining of small pieces of information enables dangerous profiling for purposes that are not justified. Janković pointed out that it is obviously not enough to have the legal framework to restrict and forbid unethical activities, but we need to address the public and to make them more aware of the threats to their rights. Mordini commented that in any case we have to face reality. In the US the data-fusion centres are legal and used for criminal investigations, and it is almost impossible that Europe will not use the same approach in the near future. His second comment was on the definition of security threats. When security people are speaking about security threats, they put into the same basket computer viruses, terrorists, financial crisis, unemployment, natural disasters, etc. So what kind of principle of proportionality can you adopt if you include everything in security threats. Consequently, everything is proportional because it should be proportional to earthquakes, climate change, financial crisis, etc. With this, using an apparent democratic process, one has created a way to overcome any real principle of proportionality. Janković concluded the discussion by pointing out that one of the possible solutions to this problem is that the people that are merging data, and who will merge them for sure, will share the same values as we do. Police systems are often very isolated systems with the primary a goal to catch bad guys. They believe it is legitimate to do anything in order to catch the bad guys. Janković stated that there should be more circulation of ideas and people between the police and human-rights activists, etc.

Session IV

The implementation of harmonizing practices in the New Member and Balkan States

(Silver Room: 11.00 – 13.30)

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. The aim of this session was to present and discuss examples of harmonising practices in the New Member and Balkan States, and to address questions like -- What are the discrepancies that are related to the restrictions of data-protection rights? How can the legislative practices in this field be harmonized?

Session IV should have been chaired by Mr. Goran Klemenčič, State Secretary at the Slovenian Ministry of the Interior. Unfortunately, he was urgently called out of the country. The organizers asked Prof. Thomas Murray to replace him and to

chair this session. The main themes raised during each presentation and in the discussions that followed them are outlined below.

Marijana Marušić

Law Enforcement Authorities - Place for Promotion of Personal Data Protection Culture?

Marušić first presented the legal framework for personal data protection in the Republic of Macedonia. The right of personal data protection, as one of the fundamental human rights and freedoms, is established in Article 18 of the Constitution of the Republic of Macedonia. The protection of this right was strengthened by the adoption of the law on Personal Data Protection in 2005. The practices show that the implementation of this law often causes confusion in the interpretation of the provisions. Marušić pointed out that finding a balance between the public and private interests in every situation and creating a privacy-respecting culture is a real virtue. The institutional frame for the personal data protection concept is represented by the Directorate for Personal Data Protection as an independent state body for the supervision of the legality of the activities for the processing and protection of personal data. The balance between the measures that need to be taken to fight against crime and the respect for human rights in the law-enforcement authorities was the main motivation for her presentation. She reported on the main activities taken by her directorate in the project related to the respect of personal data protection and the privacy rights by the law-enforcement authorities. She focused on the problem of video surveillance and biometric data processing. In the final part of her presentation Marušić addressed the question - Could the law-enforcement authorities be the place for the promotion of a personal-data-protection culture? The concept for the personal-data-protection rights for 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. 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 the public security of the country, criminal procedure, and defence. Marušić analyzed the most important provisions stipulated in the Law on Personal Data Protection and the other laws that are directly connected with the protection of privacy, in general, by the law-enforcement authorities, such as the Law on the Police, the Law on Internal Affairs, the Draft Law on National Criminal-Intelligence Database and the Draft Code of Criminal Procedure. In the final part of her presentation, Marušić briefly presented several projects on the international cooperation of the law-enforcement authorities.

Snježana Grgić

Public interest - data protection, practice and experience in Croatia

Mr. Franjo Lacko was called away and his presentation was given by his deputy Ms. Snježana Grgić. In the presentation, Grgić presented several practical examples that demonstrated the public interest hidden in the publication of personal data, on the one hand, and personal data protection, on the other. In the matter of the publication of personal data by the media, citizens' associations and individuals, which are supposed to stand for public interest, the Croatian Personal Data Protection Agency has to examine if any of the legal preconditions for such a publication exist. Grgić then gave some practical examples of the publication of the inventory of state officials' property as well as of the members of political

parties, who are also members of various committees and trade unions. Further examples on the publication of different types of registers were also provided as well as on the use of the biometric data of individuals by employers. Grgić concluded by explaining that the Croatian Personal Data Protection Agency currently aims at amending and modifying regulations that would minimize misunderstandings and doubts in the use of the public interest, on the one hand, and personal data protection on the other. With respect to this issue the agency plans to organize an educational plan for the citizens and, simultaneously, seminars for media representatives.

Mordini asked Grgić about the difference between the surveillance of working processes and the working machinery that was mentioned in her presentation. Grgić explained that their idea is that video surveillance should be settled only for the whole working process as such, and not for the people that are part of the process. Mordini expressed his doubts that this can be technically achieved. Grgić responded that this can be achieved by setting the appropriate angles of the video cameras. Dobrišek then raised the question of the cooperation in this area between different countries in the Western Balkans. Marušić responded by briefly presenting the cooperation between Macedonia, Croatia and Serbia. Janković referred back to the question of video surveillance of the working process and described an example from Serbia, where unconnected video cameras were used not to monitor the workers but only to force them to work harder. Janković also explained that in Serbia the authority that received the decision of the overseeing authority cannot complain to the administrative court, only citizens can do this. Mordini raised the question about what is the degree of acceptance of biometric security systems by the worker organizations and trade unions in the three countries. Grgić explained that the Croatian Personal Data Protection Agency has several examples when it forced employers to introduce an alternative security system if all of their employees did not give consent to the use of their biometrics. Tomšič explained that in Slovenia they have very strict regulations with regard to biometrics in the public and private sectors. For instance, it is very uncommon for the Slovenian Information Commissioner to allow the use of biometrics for time attendance, as it is seen as a rather disproportionate measure for this purpose.

Mario Zadro

MARRI's experience in the role of new technologies in migration management in the Western Balkans states

Zadro presented the Migration, Asylum, Refugees Regional Initiative (MARRI) which 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 the EU integration process and in line with the Thessaloniki Agenda for the Western Balkans. Visa facilitation strategy is one part of the long-term perspectives of the full liberalisation of the visa regime in relation to EU countries in the 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 a huge amount of work has been done, with 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 a one-year project (2007-2008) on Document Security and the Establishment of Identity in the Western Balkan region. 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 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. Zadro concluded that, 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.

Mordini asked Zadro if MARRI has any official position concerning biometrics for children and for preventing child trafficking. Zadro explained that MARRI does not have any such official position, but it is good idea to go further and to work on that.

In the subsequent general discussion, Mordini stated that he has difficulties in conceptualizing the current situation in the region of the Western Balkans. From a certain perspective there were two sides of the European border among the workshop participants; however from another point of view the Balkan region is an integrated region, perhaps even more than some other parts of Europe. He asked participants, what are the European borders for them that the security systems should deal with? Are these the Balkan internal borders or those that are outside of the Balkan region? Zadro responded that with more and more asylum seekers and refugees from countries that are far from Europe, like Afghanistan, Pakistan, etc., the focus is slowly shifting from the internal to the outside borders. Murray then raised the question of the public reactions in the region to the integration and sharing of data. Marušič responded that the citizens of the Republic of Macedonia are more and more aware about data-protection principles and they ask about the provisions in the data protection law that are related the sharing of data across borders. Zadro argued that there is not much public response, as the majority of people are not aware of these issues. These things just happen between the state administrations and he cannot say that the awareness is very high.

Antonio D'Amico and Stane Štefančič

ECRN European Civil Registry Network

D'Amico and Štefančič presented the ECRN European Civil Registry Network. The objective of ECRN is to realize a web platform for the interoperability of the European National Civil Act Registry systems, for the exchange of data through EU offices and, as one of the main objectives of the project, accelerate the electronic exchange of acts and certificates between European Public Administrations. The aim is to facilitate a continuous update of the population information registry systems through the exchange of the certificates from a European Country administration to another one. Real-time transmission of the Civil Acts, enforcing international standards of information security, is an advantage for all Administrations as well as the Citizens, who will benefit from the

better efficiency and effectiveness of the Administration. The growth of the international exchange of Civil certification is growing at about 5% per year. The ECRN system for the exchange of digital certificates among the Civil Acts Registries of the European Countries, will allow those citizens living abroad to have updated personal data on birth, filiations, marriage, divorce, death, changes of citizenship, etc., and that from one country the information will be transmitted in real time to another country, to allow all Administration to have clear and updated knowledge about all of its citizens. The traditional transmission procedures (copies, fax, hard copies, etc.) even if respecting the existing legislations, are complicated and not responding to the Information Society's expectations. The aim of ECRN is therefore, to stimulate the cooperation among Civil Act National Registries that will benefit from the realization of a new interoperability services platform that will allow the transmission of electronic documents from all Civil Act Registries.

Silvo Režek

Civil Registration System in Slovenia

Režek presented the Central Register of Population (CRP) in Slovenia which has operated 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 with the same content. The preconditions for such a goal are: a 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 the exchange of personal information among government and public institutions. New technologies enable the development of register orientation in Slovenia and an e-government movement. All the data in the CRP are up to date because the CRP is integrated with main sources: Register of Population, Register of Civil Status, Register of Foreigners, Register of Territorial units etc. Nowadays the 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 the responsible bodies competent for operating databases with personal information. They can receive up-to-date basic data from the CRP: PIN, name and surname, place of residence, citizenship, vital status, family relations, etc. Apart from the big national databases, small individual users that operate databases with specific cohorts are also common.

Day 2 Concluding Remarks and Summary

In the concluding remarks, Mordini addressed the historical importance of Caligula, the first Roman emperor, who believed that the empire needs to be limited in space. The idea to set borders completely changed the understanding of life that shaped our current mentality. The establishment of European borders is a project that will change and modify in depth European mentality and the perception of identity. Mordini concluded by expressing with his beliefs that all the participants had learned a lot in the past two days, and that some of them are now maybe confused as there were several different perspectives that sometimes did not match. He reminded participants that the goal of this workshop was to allow and promote a dialogue between them.

Summary and Conclusions

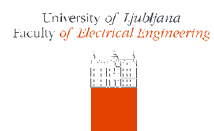
The main aim of this workshop was to enable and promote dialogue between the participants from different sides of the privacy versus security conflict with the emphasis on the New Member and Balkan states. The response of the workshop participants proves that this goal was achieved. The workshop identified several important problems and also some small steps towards solutions. In the following we have listed the most interesting themes that were addressed during the workshop and highlighted some of the suggestions for 'small-step solutions' that were discussed.

- *We are standing on the boundary of two societies, one where freedom and privacy are the norm, and the other where most movements, habits, and transactions are monitored as an aberrant behaviour.*
- *The data protection authorities have responsibilities and enough power so that they can press on the law-enforcement authorities to improve the communications and system interoperability.*
- *Democratic governments have to refrain from measures which in the future could turn negative and protect the average traveller against the consequences of some of its excessive demands.*
- *We can witness an increasing tendency to misleadingly represent the protection of personal data as a barrier to the efficient fight against organized crime and terrorism.*
- *Without regional networking there is no confident approach to solving security problems in the Western Balkans, and organized crime repression will be a simulation which is, again, a new manipulation of the old power centres.*
- *With more and more asylum seekers and refugees from countries that are far from Europe, like Afghanistan, Pakistan, etc., the focus is slowly shifting from the Balkan internal borders to those that are outside of the Balkan region.*
- *When security people are speaking about security threats, they put into the same basket computer viruses, terrorists, financial crisis, unemployment, natural disasters, etc. So what kind of principle of proportionality can you adopt if you include everything in security threats?*
- *The general administrative system has to be properly established prior to the deployment of biometric systems, in order to reduce security and privacy risks.*
- *There is a room to increase the promotion of values-sensitive design into the engineering environment such that the values that we cherish are actually being implemented in the information technologies*
- *The rapidly growing security industry, on the one hand, and the limited supervisory authorities, on the other, seems to be unbalanced.*

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- *In the near future it will be necessary to have its own law about privacy rights at work.*
 - *Information and privacy could be considered as products that are subject to regulation in a free market.*
 - *The information sharing systems are not in control, citizens do not understand it, and they cannot identify the problems with it, so they cannot criticize it.*
 - *Merging data represents a serious threat to data-protection principles, and merging data is the trend, even for the EC.*

By
Ass. Prof. Simon Dobrišek
and
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Workshop Brochure





HOMELAND SECURITY BIOMETRIC IDENTIFICATION & PERSONAL DETECTION ETHICS WORKSHOP

HIDE

We work to make the world a safer and freer place by promoting an open dialogue on liberty, security and democracy and by building confidence and improving understanding among key international actors.

Restrictions in the Implementation of EU Data Protection Directive for Public Interest, Security and Defence



**LJUBLJANA, SLOVENIA
17-18 September, 2009**

**Sponsored by
HIDE Project
With funding from the European Commission
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Workshop Organizers

**Centre for Science, Society and Citizenship
Italy**

**University of Ljubljana
Slovenia**

Background



In the context of a European Commission funded project on Homeland Security, Biometrics Identification & Personal Detection Ethics – HIDE (www.hideproject.org), a problem-solving workshop is being organized which aims to bring together individuals and representatives from the European governmental and non-governmental organisations, with the emphasis on the New Member and Balkan States, to identify and discuss ethical and other issues related to the restrictions of the scope of rights in the implementation of EU data-protection principles when such restrictions constitute the necessary measures to safeguard important public interests, security and defence.

This workshop is part of the HIDE project activities, whose mission is to establish a platform devoted to monitor the ethical and privacy implications of biometrics and personal detection technologies. HIDE is a research collaboration between 11 partners from Europe, Singapore and USA, and is coordinated by Prof. Emilio Mordini, Centre for Science, Society and Citizenship (CSSC), Rome, Italy.

Rationale of the Workshop



Article 13 of *the directive 95-46/EC of the European Parliament and the Council on the protection of the individuals with regard to the processing of personal data and the free movement of such data* states that Member States may adopt legislative measures to restrict the scope of the rights provided for in this directive when such a restriction constitutes a necessary measure to safeguard:

- (a) national security;
- (b) defence;
- (c) public security;
- (d) the prevention, investigation, detection and prosecution of criminal offences, or of breaches of ethics for regulated professions;
- (e) an important economic or financial interest of a Member State or of the European Union, including monetary, budgetary and taxation matters;
- (f) a monitoring, inspection or regulation function connected, even occasionally, with the exercise of official authority in cases referred to in (c), (d) and (e);
- (g) the protection of the data subject or of the rights and freedoms of others.



It is well known that the existing practices and the legislative measures regarding the above article are not harmonised across the EU Member States. This is especially true for the New Member and Balkan States. The world economic crisis, organized crime activities, terrorist and health threats force Member States to adopt new legislative measures and deploy biometric and personal detection technologies used to safeguard public interests, security and defence. What each Member State wants to make in order to determine its level of security differs from state to state and their appreciation of what may constitute "a necessary measure" and an "important public interest" is, by its very nature, a major source of discrepancy among national legislations. The implementation of harmonising practices in this field as well as per Articles 25–26 (Transfer of Personal Data to Third Countries) thereby remains a vital issue.

Following the enlargement of the EU, the New Member States are now in charge of monitoring the external border of the EU. The enhancement of the European border-security level requires a better interoperability of the technologies deployed at borders, such as biometrics, but also poses some harmonisation problems. In particular, the application of the principle of proportionality has raised controversies in some New Member States. We need to reconcile two fundamental requirements: to effectively tackle threats to people's life in Europe, especially in security matters, and at the same time to protect fundamental rights, including data-protection rights.

Workshop Format

The workshop is designed to bring together individuals from different sides of the privacy vs. security conflict in a “safe” environment to address questions that are otherwise difficult to discuss. A few basic rules for the workshop are:

- The workshop is a dialogue, not a debate: participants are not being asked to defend their own views or to find the weakness in others’ positions, but to explain their own perspectives;
- Parties speak for themselves only, not as representatives of groups, institutions, governments, etc.
- Parties are expected to use the rich, multidisciplinary, context to identify small but meaningful steps to take; they are not expected to find one-shot resolutions of complex problems.

An important goal in this workshop is strengthening the perception that further dialogue among the participants is going to be fruitful due to increased insights into each other’s perspectives, and the sense that conversation is of value. This workshop is thus designed to reach two parallel and coordinated results:

- First, it should encourage an analytical approach to joint problem solving that will be conducive to the emergence of creative win-win solutions;
- Second, it should also alter stereotyped, negative, and rigid images and thereby pave the way for a constructive approach to debated issues.

This workshop brings together stakeholders of the areas biometrics, data protection and privacy as well as security. Public institutions, research organizations as well as companies will represent their branches. This is a good opportunity to discuss current open issues within the mentioned areas. For this reason the project HIDE organizes a **Brokerage Event** during the Workshop. It takes place in parallel to Session III on Friday, September 18, 2009 and is free of charge. It is possible to only participate in the Brokerage Event. Please register informally by sending an email to Nicolas Delvaux (nicolas.delvaux@sagem.com) and Alexander Nouak (alexander.nouak@igd.fraunhofer.de).

Organizers

The main organizers of the workshop are the Centre for Science, Society and Citizenship (CSSC), Rome, Italy, and the University of Ljubljana, Slovenia, in collaboration with HIDE partners like: Sagem Sécurité (France), International Biometric Group (USA), The Hastings Center (USA), Eutelis Consult Italia & Associates (Italy), Centre for Biomedical Ethics (Singapore) etc. The co-directors of the workshop are Prof. Emilio Mordini (CSSC) and Prof. Nikola Pavešić (University of Ljubljana).

For more information and queries about the workshop, please contact Mr. Simon Dobrišek by email simon.dobrisek@fe.uni-lj.si or by phone +386 1 4768 839.

Workshop Programme

Thursday, 17 September 2009

08.30 – 09.00 *Registration and Welcome Refreshment*

Opening Session

Silver Room: 09.00 – 09.50

09.00 – 09.20 *Welcome Addresses*

Nikola Pavešić – Co-director of the workshop, University of Ljubljana, Slovenia

Emillio Mordini – Coordinator of the HIDE project, CSSC, Italy

09.20 – 09.50 *Opening Lecture*

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

Nataša P. Musar – Information commissioner of the Republic of Slovenia

Session I

Silver Room: 09.50 – 12.30

The circumstances that may lead to the restriction of EU data-protection principles

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*

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

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

Neil Robinson – Senior Policy Analyst, RAND Europe, UK

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

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

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"*

Saša Janković – Ombudsman of the Republic of Serbia

11.00 – 11.30 *Coffee Break*

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

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

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

Vít Zvánovec – Data Protection Authority, Czech Republic

Workshop Programme - Continued

Thursday, 17 September 2009 - Continued

12.10 – 12.30 *Discussion and Questions*

12.30 – 14.00 *Lunch Break*

Session II

Silver Room: 14.00 – 17.00

The impact of counter-terrorist border-control legislative measures on privacy protection

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*

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

14.10 – 14.30 *"Travelling free or travelling secure? The role of biometrics across the European and International borders"*

François Géré – Director of the Global Security Network, France

14.30 – 14.50 *"Is biometrics technology a "silver bullet" for terrorism?"*

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

15.50 – 15.10 *Discussion and Questions*

15.10 – 15.40 *Coffee Break*

15.40 – 16.00 *"Social Aspects of Biometric Applications in Russia"*

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

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"*

Strahinja Brajusković – Anti Trafficking Center, Belgrade, Serbia

16.20 – 16.40 *Discussion and Questions*

16.40 – 17.00 *General Discussion and First Day Conclusions*

Emillio Mordini – Coordinator of the HIDE project, CSSC, Italy

17.15 – 18.00 *Workshop Reception*

18.00 – 19.00 *Guided Tour*

19.00 – 22.00 *Workshop Dinner*

Workshop Programme - Continued

Friday, 18 September 2009

08.50 – 09.10 *Welcome Refreshment*

Session III

Silver Room: 09.10 – 10.35

The application of the principle of proportionality in the restriction of data-protection rights

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*

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

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

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

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

Judit Zeller – Assistant Professor of Law, Faculty of Law, University of Pecs, Hungary

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

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

10.20 – 10.35 *Discussion and Questions*

10.35 – 11.00 *Coffee Break*

Brokerage Event

Red Room: 09.10 – 10.40

09.10 – 09.20 *Chair's Introduction*

Nicolas Delvaux – Program Manager, Sagem Sécurité, France

Alexander Nouak – Head of the Department Security Technology of the Fraunhofer Institute for Computer Graphics IGD, Germany

09.20 – 10.40 *General Discussion*

Workshop Programme - Continued

Friday, 18 September 2009 - Continued

Session IV

Silver Room: 11.00 – 13.30

The implementation of harmonizing practices in the New Member and Balkan States

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*

Goran Klemenčič – State Secretary of the Ministry of Interior, Slovenia

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

Marijana Marušić – Director of the Directorate for Personal Data Protection, the former Yugoslav Republic of Macedonia, FYRM

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

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

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

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

11.55 – 12.10 *Discussion and Questions*

12.10 – 12.30 *Coffee Break*

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

Antonio D'Amico – The Inclusion Alliance for Europe GEIE, Italy
Stane Štefančič – Genis, Slovenia

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

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

13.00 – 13.15 *Discussion and Questions*

13.15 – 13.30 *General Discussion and Summary*

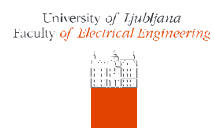
Emillio Mordini – Coordinator of the HIDE project, CSSC, Italy

13.30 – 14.30 *Farewell Lunch*

List of Participants

Ms. Valeria Balestrieri – Centre for Science, Society and Citizenship, Italy
Mr. Wieslaw Bicz – Optel, Poland
Ms. Agnieszka Bicz – Optel, Poland
Mr. Jože Bogataj – Information commissioner, Slovenia
Mr. Strahinja Brajusković – Anti Trafficking Center, Belgrade, Serbia
Dr. Noellie Brockdorff – Centre for Communication Technology, University of Malta
Prof. Joseph A. Cannataci – Centre for Law, Information & Converging Technologies, UCLAN, UK
Mr. Wayne Crews – Technology Studies, Competitive Enterprise Institute, USA
Mr. Antonio D'Amico – The Inclusion Alliance for Europe GEIE, Italy
Dr. Nicolas Delvaux – Sagem Sécurité, France
Mr. Vlad Niculescu Dinca – Infonomics & New Media Research, Centre Zuyd University, The Netherlands
Ass. Prof. Simon Dobrišek – Faculty of Electrical Engineering, University of Ljubljana, Slovenia
Ms. Adriana Dvoršak – Partnerships, Marketing and Communications, British Council, Slovenia
Prof. François Géré – Global Security Network, France
Mr. Alexander G. Ivanchenko – Russian Security Industry Association, Russia
Ms. Katja Lindskov Jacobsen – ESRC Cesagen Centre, University of Lancaster, UK
Mr. Saša Janković – Ombudsman of the Republic of Serbia
Ms. Alenka Jerše – Information commissioner, Slovenia
Ms. Monika Benkovič Krašovec – Information commissioner, Slovenia
Mr. Franjo Lacko – Croatian Personal Data Protection Agency, Croatia
Prof. Juliet Lodge – Jean Monnet European Centre of Excellence, University of Leeds, UK
Mr. Vladimir Logofetov – Internal Administrative Affairs Directorate, Ministry of the Interior, Slovenia
Ms. Marijana Marušić – Directorate for Personal Data Protection, FYRM
Dr. Paul McCarthy – ESRC Cesagen Centre, University of Lancaster, UK
Sir Vojislav Milošević – Center for Counter-Terrorism and World Peace, Belgrade, Serbia
Prof. Emillio Mordini – Centre for Science, Society and Citizenship, Italy
Prof. Abu Bakar Munir – Faculty of Law, University of Malaya, Malaysia
Prof. Thomas Murray – The Hastings Center, USA
Ms. Nataša Pirc Musar – Information commissioner of the Republic of Slovenia
Ms. Lisbeth Witthøfft Nielsen – Centre for Biomedical Ethics, National University of Singapore
Mr. Alexander Nouak – Security Technology Department of the Fraunhofer IGD, Germany
Ms. Carole Pellegrino – Sagem Sécurité, France
Prof. Nikola Pavešić – Faculty of Electrical Engineering, University of Ljubljana, Slovenia
Ms. Hana Pecháčková – Legal Affairs and Policy, DG Justice, Freedom and Security, EC
Dr. Iztok Prezelj – Defence Studies, Faculty of Social Sciences, University of Ljubljana, Slovenia
Mr. Silvo Režek – Internal Administrative Affairs Directorate, Ministry of the Interior, Slovenia
Prof. Rudi Rizman – Faculty of Arts, University of Ljubljana, Slovenia
Mr. Neil Robinson – RAND Europe, UK
Ms. Tanja Slak – Information commissioner, Slovenia
Mr. Stane Štefančič – Genis, Slovenia
Ms. Rosana Lemut Strle – Information commissioner, Slovenia
Mr. Michael Thieme – International Biometric Group, USA
Mr. Andrej Tomšič – Information commissioner, Slovenia
Mr. Mario Zadro – The MARRI Regional Centre, FYRM
Ass. Prof. Judit Zeller – Faculty of Law, University of Pecs, Hungary
Mr. Vít Zvánovec – Data Protection Authority, Czech Republic

Abstracts of Presentations



Opening Lecture

“I have a gun so I have the right to shoot!” - Law, IT and personal data protection - legislative framework lags behind the IT development”

By

Ms. Nataša Pirc Musar -- Information commissioner of the Republic of Slovenia

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

“Security, at what cost? Quantifying people's trade-offs among privacy, liberty and security”

By

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

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.

Session I

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

By

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

Abstract¹

Information sharing is a frontier industry with a lot of risks. In all such industries, we are always dealing with the question of political regulations versus competitive regulations. All risky technologies require regulatory institutions and the question is what kind of institutions will help us protecting our privacy. We should not rely on governmental institutions, as in a lot of cases governments themselves are the ones that are violating privacy and other liberty rights. An alternative solution is that information and privacy are considered as products that are subject to regulation in a free market. For instance, if we want anonymity there could be a market for anonymity. In a lot of cases, vendors do not need to know who you really are but just what your needs in a certain context are. However, what we are currently doing in the “homeland security” culture is preventing such markets from emerging. In the second part of the presentation, I focus on a framework by which we can judge the use of personal information. I break the biometric technology into three categories.

1. Bad: Mandatory "National ID" cards encoded with biometric identifiers or compulsory databases for data-mining purposes. The underlying element here is compulsion, the inability to say no.
2. Not (necessarily) bad, but can be abused and require extensive Fourth Amendment or equivalent safeguards that do not yet exist: Government-run face cameras (and related technologies like iris scanners) that ride on top of a database of criminals or wanted individuals. These should not collect data on individuals other than those already in the database (presumably there through appropriate Fourth Amendment procedures). Incidental data collected on random individuals cannot be retained. Problem is the guarantee. This is where I think the real future privacy fights lie, and the most risk for sensible evolution of these technologies.
3. Good: Countless private uses of information that offer the opportunity for commercial offerings to the public, and those that offer extraordinary security by preventing others from posing as us, and ending rampant identity theft. This is where the market can shine. However, these must not be allowed access to data gleaned by government coercion, or they move into category 1 or 2 and give the entire industry (online marketing, biometric or data-mining, etc) a black eye, and make it impossible to defend the industry from regulation. I prefer to keep it self-regulated, especially since institutions like insurance and liability desperately need to emerge and premature regulation can undermine them. Unfortunately, businesses currently compete mostly in the area of the technologies that enhance security. We are in the phase with homeland security and changes around the world that make businesses more difficult to offer us the privacy that we want.

¹ Summarized from Wayne Crews' presentation by Simon Dobrišek

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

By

Mr. **Saša Janković** – Ombudsman of the Republic of Serbia**Abstract**

The rights of citizens guaranteed by corpus of data protection laws and standards may be restricted due to the reasons of Public or National Security, or Defence. In order to be both legal and legitimate, the application of those restrictions must fulfil a number of conditions. Of crucial importance for assuring adherence to the rule of law and respect for human rights is that the application of restrictions is freely and fully overseen by authorities which are independent from security apparatus and executive in general. Ombudsman may be one of them, at least in countries in which this institution is mandated not only to monitor administration in delivering good governance, but also to ensure respect for human rights, as is the case in Serbia. The role of an ombudsman as a “guarantor” of respect of human rights in cases where the citizen affected by restriction or general public must, temporarily, be denied full information on the restriction, is yet not fully recognized. Additional legitimacy that may come from ombudsman’s full and free insight in application of restrictions, if they are legal and proper, may contribute to the citizen’s trust in law enforcement, security and defence agencies, and therefore improve their performance. However, this ombudsman’s mission does not come without challenges and threats.

Session I

“The limits of the rules: the Technology Genie unbottled?”

By

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

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?

Session I

“Experience of the Czech Data Protection Authority with the Third Pillar”

By

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

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. 32008F0977 (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.

Session II

“Travelling free or travelling secure? The role of biometrics across the European and International borders”

By

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

Abstract

It is often argued that biometrics provide security against clandestine migration and potential terrorist activities. That point of view is challenged by those organizations which see biometrics as a risk for freedom and privacy. We would like to consider the problem the other way round. Another key issue is that western societies have become themselves migrant. More and more citizens cross the borders both for business and leisure. Therefore they want to travel fast and secure. Not only they are ready to abandon parts of their freedom and privacy but they are asking for more security, regardless of the potential dangers. We argue that on the basis of a mutual contract between the State and the citizens, democratic governments have to refrain from measures which in the future could turn negative and protect the average traveller against the consequences of some of its excessive demands.

Session II

“Is biometrics technology a "silver bullet" for terrorism?”

By

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

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.

Session II

“Social Aspects of Biometric Applications in Russia”

By

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

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. ...

Session II

“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”

By

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

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.

Session III

“A fundamental human right to the protection of personal data and where are the limits?”

By

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

Abstract²

In Europe people’s trust is twofold –citizens entrust authorities with the task of protecting them against crime and terrorist attacks; however, at the same, they entrust them with safeguarding their fundamental rights, and the authorities cannot risk losing this trust. This means that any necessary steps authorities take to enforce security must always be accompanied by adequate safeguards to ensure scrutiny, accountability and transparency. The principle of proportionality is the core principle in the protection of human rights in relation to any measure restricting the fundamental right to privacy as required by Article 8 of the European Convention on Human Rights. The problem is that we have more and more data exchange and, for instance, traffic data retention interferes with the fundamental human right to confidential communication that is guaranteed by the mentioned Article 8. The powers available to law-enforcement agencies in the fight against crime and terrorism must be effective but cannot be unlimited or misused. We can witness increasing tendency to represent the protection of personal data as a barrier to the efficient fight against organized crime and terrorism. The European Data Protection Authorities have proven that this statement is misleading as the Directive 95-46/EC contains also necessary exemptions to fight against criminality within the limits authorised by the European Convention on Human Rights. The Hague programme that was developed to encourage legislation to ensure public security and fight against terrorism, and the shift to the Stockholm programme will be briefly presented.

² Summarized from Hana Pecháčková’s presentation by Simon Dobrišek

Session III***“Data protection rights and new challenges in Hungary - necessity and proportionality”***

By

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

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.

Session III

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

By

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

Abstract

The presentation starts from the premise that law and legislative tools lag far behind the accelerating pace of technological change and its impact of society. The concepts of proportionality and fitness for purpose are relatively uncontested. The issues at stake can be viewed from several different vantage points to validate many different positions. What is needed is reflection and the mainstreaming of e-futures into political agenda and priority setting. It concludes with suggestions on new questions.

Session IV

“Law Enforcement Authorities - Place for Promotion of Personal Data Protection Culture?”

By

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

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.

Session IV***“Public interest - data protection, practice and experience in Croatia”***

By

Mr. **Franjo Lacko**³ – Director of the Croatian Personal Data Protection Agency,
Croatia

Abstract

The main aim of the article is to share some practical examples demonstrating public interest in publication of personal data on one side and personal data protection on the other. In the matter of publication of personal data by the media, citizens' associations and individuals, which is supposed to stand for public interest, the Croatian Personal Data Protection Agency has to examine if any of the legal preconditions for such a publication exist. Some practical examples of publication of inventory of state officials' property as well as of members of political parties, who are also members of various committees and trade unions, will be presented. Further examples on publication of different types of registers will be provided as well as on the use of biometric data of individuals by the employers. The last is about objective and intention of the Agency aiming at amending and modifying of regulations, which would minimize misunderstandings and doubts in use of public interest on one side and personal data protection on the other. With respect to this issue the Agency plans to organize an education plan for the citizens and simultaneously seminars for the media representatives, which will represent the final point of the speech.

³ Franjo Lacko's presentation was presented by Snježana Grgić

Session IV

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

By

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

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.

Session IV

“ECRN European Civil Registry Network”

By

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

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

Abstract

The objective of ECRN is to realize a web platform for the interoperability of the European National Civil Act Registry systems, for the exchange data through EU offices and, as one of the main objective of the project, accelerate the electronic exchange of acts and certificates between European Public Administrations. The aim is to facilitate continuous update of the population information registry systems through the exchange of the certificates from a European Country administration to another one. Real time transmission of the Civil Acts, enforcing international standard of information security, is an advantage for all Administrations as well as the Citizens, who will benefit from the better efficiency and effectiveness of the Administration. The growth of international exchange of Civil certification is growing of about 5% per year. ECRN system for the exchange of digital certificates among the Civil Acts Registries of the European Countries, will allow that citizens living abroad will have updated personal data on birth, filiations, wedding, divorce, death, changes of citizenship, etc...and that from one country the information will be transmitted in real time another country, to allow all Administration to have clear and updated knowledge on all its citizens. The mayor project objectives can be summarized as follows:

- For the Administrations, gaining in efficiency in terms of immediate knowledge that a citizen has had a son abroad, or got married, or died in another country, to manage in a very short time the information on benefits, changes, etc..., connected to the events of the civil acts.
- For the Citizens, the possibility to obtain in a very short time Civil Acts. This will allow to European citizens to reply on time to the request of documentations for inscription to schools universities, employment opportunities, public administrations duties, etc... Indeed,
- it is important to underline that the civil acts are often requested by public offices or by private subjects (employers, banks, assurances, private or any kinds) to verify the specific citizen situation connected to her/his civil status related to access to social support schemes, medical public insurances, employment, taxation and educational systems, (fiscal and contributive fulfilments, retirement etc).
- Effectiveness of the relationship Citizen-Administration. The request of certification of civil acts from a citizen of a country that lives in another country will be satisfied in a efficient way and short time lap, what will bring an improvement of the relation Citizen-Administration.

The traditional transmission procedures (copies, fax, hard copies, etc..) even if respectful of the existing legislations, are complicated and not replying to the Information Society expectations. The aim of ECRN is therefore, to stimulate the cooperation among Civil Act National Registries that will benefit of the realization of new interoperability services platform which will allow transmission of electronic documents from all Civil Act Registries.

Session IV

“Civil Registration System in Slovenia”

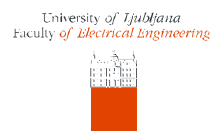
By

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

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.

Workshop Participants



Ms. Valeria Balestrieri – Centre for Science, Society and Citizenship, Italy
Mr. Wieslaw Bicz – Optel, Poland
Mr. Jože Bogataj – Information commissioner, Slovenia
Mr. Strahinja Brajuskić – Anti Trafficking Center, Belgrade, Serbia
Dr. Noellie Brockdorff – Centre for Communication Technology, University of Malta
Prof. Joseph A. Cannataci – Centre for Law, Information & Converging Technologies, UCLAN, UK
Mr. Wayne Crews – Technology Studies, Competitive Enterprise Institute, USA
Mr. Antonio D’Amico – The Inclusion Alliance for Europe GEIE, Italy
Dr. Nicolas Delvaux – Sagem Sécurité, France
Mr. Vlad Niculescu Dinca – Infonomics & New Media Research, Centre Zuyd University, The Netherlands
Ass. Prof. Simon Dobrišek – Faculty of Electrical Engineering, University of Ljubljana, Slovenia
Ms. Adriana Dvoršak – Partnerships, Marketing and Communications, British Council, Slovenia
Prof. François Géré – Global Security Network, France
Ms. Snježana Grgić – Croatian Personal Data Protection Agency, Croatia
Mr. Alexander G. Ivanchenko – Russian Security Industry Association, Russia
Ms. Katja Lindskov Jacobsen – ESRC Cesagen Centre, University of Lancaster, UK
Mr. Saša Janković – Ombudsman of the Republic of Serbia
Ms. Alenka Jerše – Information commissioner, Slovenia
Ms. Monika Benkovič Krašovec – Information commissioner, Slovenia
Mr. Franjo Lacko¹ – Croatian Personal Data Protection Agency, Croatia
Prof. Juliet Lodge – Jean Monnet European Centre of Excellence, University of Leeds, UK
Mr. Vladimir Logofetov – Internal Administrative Affairs Directorate, Ministry of the Interior, Slovenia
Ms. Marijana Marušić – Directorate for Personal Data Protection, FYRM
Dr. Paul McCarthy – ESRC Cesagen Centre, University of Lancaster, UK
Sir Vojislav Milošević – Center for Counter-Terrorism and World Peace, Belgrade, Serbia
Prof. Emillio Mordini – Centre for Science, Society and Citizenship, Italy
Prof. Abu Bakar Munir – Faculty of Law, University of Malaya, Malaysia
Prof. Thomas Murray – The Hastings Center, USA
Ms. Nataša Pirc Musar – Information commissioner of the Republic of Slovenia
Ms. Lisbeth Witthøfft Nielsen – Centre for Biomedical Ethics, National University of Singapore
Mr. Alexander Nouak – Security Technology Department of the Fraunhofer IGD, Germany
Ms. Carole Pellegrino – Sagem Sécurité, France
Prof. Nikola Pavešić – Faculty of Electrical Engineering, University of Ljubljana, Slovenia

¹ Franjo Lacko’s presentation was presented by Snježana Grgić

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

Dr. Iztok Prezelj – Defence Studies, Faculty of Social Sciences, University of Ljubljana, Slovenia

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

Prof. Rudolf M. Rizman – Faculty of Arts, University of Ljubljana, Slovenia

Mr. Neil Robinson – RAND Europe, UK

Ms. Tanja Slak – Information commissioner, Slovenia

Mr. Stane Štefančič – Genis, Slovenia

Ms. Rosana Lemut Strle – Information commissioner, Slovenia

Mr. Michael Thieme – International Biometric Group, USA

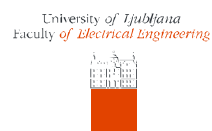
Mr. Andrej Tomšič – Information commissioner, Slovenia

Mr. Mario Zadro – The MARRI Regional Centre, FYRM

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

Mr. Vít Zvánovec – Data Protection Authority, Czech Republic

Short Biographies of Speakers and Chairs



Opening Lecture

Ms. **Nataša Pirc Musar** -- Information commissioner of the Republic of Slovenia



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.

Session I – Chair

Prof. **Rudolf M. Rizman** – Faculty of Arts, University of Ljubljana, Slovenia



Rudolf M. Rizman is Professor of Sociology and Political Science at the Philosophical Faculty and Director of its Scientific and Research Institute, University of Ljubljana, Slovenia. He teaches as well at the Universities of Bologna and Sarajevo. Formerly a member of the Bertrand Russell International Tribunals and Jean-Paul Sartre's Anti-Prix Committee. He studied and received his PhDs in sociology from Ljubljana and from Harvard University. The range of his research and teaching interests includes the following topics: history of social thought, sociology of nationalism and migrations, nation-state and globalization, democratic transitions and consolidations, sociology of national identity and on the sociological relevance of human rights and genocide. Between 2002 to 2007 member of the international research team on "Globalization and Autonomy" at McMaster University.

His previous study stays and lecturing include Woodrow Wilson Center in Washington D.C., Slavic Research Center at Hokkaido University in Sapporo, University of Bologna, London School of Economics, University of Pittsburgh, University of Washington in Seattle, University of Minsk, Charles University in Prague, University of Sarajevo, European University Institute in Florence, etc. He published several books dealing with the national question in Yugoslavia and in contemporary world, on political ideas (anarchism, liberalism, and nationalism) and human rights. He recently (2006) published two books: "Dall'Autoritarismo alla Democrazia Attraverso l'Indipendenza: Il Caso Sloveno" (Universita' di Bologna - Longo Editore Ravenna) and "Uncertain Path: Transition and Consolidation of Democracy in Slovenia" (Texas University Press).

Session I – Speaker

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

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.

Session I – Speaker

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



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.

Session I – Speaker

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



Saša Janković was born in 1970 in Loznica, Serbia. During and after his studies at the Faculty of Law in Belgrade, he worked as a journalist in Beta News Agency. Following several years as a civil servant at the state administration, he joined the Federal Ministry of Sports in 2000 as a Secretary General of the Ministry.

From 2003 to 2007 he was a national legal adviser in the OSCE Mission to Serbia, providing expert advice on functioning of democratic institutions, elections, human rights, rights of minorities, anti-discrimination and gender equality, rule of law, civil-military relations, education, etc. He managed a Mission's Program on Democratization aspects of Security Sector Reform. The activities targeted Secret Services, Army and Police.

In 2005 he graduated at the specialized security studies at the Faculty for Political science with the thesis; "Parliamentary control of security services in Serbia and Montenegro".

In July 2007 he became the first Serbian Ombudsman.

In the past years Mr. Janković participated and lectured in numerous educational, academic and professional events of relevance to the democratic framework for the functioning of security sector, human rights and securitization.

He is the author of a number of publications:

- „Intelligence/Security Systems of Serbia and Montenegro“, 2007, Security Sector Governance in the Western Balkans: Self-Assessment Studies on Defence, Intelligence, Police and Border Management Reform, National Defence Academy, Bureau for Security Policy at the Austrian Ministry of Defence and DCAF in co-operation with PfP-Consortium of Defence Academies and Security Studies Institutes, Vienna and Geneva.
- „The Status of Serbia's Intelligence Reform and its Challenges“, 2007, Security Sector Reform in South East Europe - from a Necessary Remedy to a Global Concept, 2007, National Defence Academy and Bureau for Security Policy, in co-operation with the PfP Consortium of Defence Academies and Security Studies Institutes, Vienna.
- „Parliamentary Control of security services“, 2008, Legal reform of security services, Српска правна ревија, Belgrade
- „Democratic control of intelligence-security services in Serbia“, 2006, Word of Experts, Center for Civil-military relations, 2006
- „Parliamentary control of armed forces“, 2007, Collection of Lectures from the 9th school of the security sector reform, ISAC fund, Belgrade, ...

Session I - Speaker

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



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.

Session I – Speaker

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

Vít Zvánovec is an expert of the Czech Data Protection Authority in the Department of Legislation and European Law. In 1997 he graduated in the Law School of the Charles University in Prague and in 1998 he graduated in the Faculty of Arts of the Charles University in Prague, being specialized in International Relations History. He is a member of the Citizens' and Political Rights Committee of the Czech Government Council for Human Rights. Vít Zvánovec teaches Civil Law at the Law School of the Charles University in Prague.

Vít Zvánovec publishes in various fields of law: labour law (How should the New Labour Code look like? Some remarks. In *Práce a mzda* 10–11/2002, pp. 74–80), European law (Negotiations about Revision of the Working Time Directive. In *Zpravodaj Jednoty českých právníků* 2/2006, pp. 88–91), administrative law (Corporations should take into account whether they shall use camera systems. Interview for *Hospodářské noviny* 5 June 2007, p. 27), and constitutional law (together with Helena Svatošová: An assembly in public space. Freedom or Threat? In *Právní rozhledy* 15/2009, pp. 561–562).

Session II – Chair

Ass. Prof. **Iztok Prezelj** – Defence Studies, Faculty of Social Sciences, University of Ljubljana, Slovenia



Iztok Prezelj is senior research fellow and assistant professor at the Faculty of Social Sciences, University of Ljubljana. He is coordinator of several research projects, such as Security and Cooperation in SEE (2006-2008), Definition and protection of critical infrastructure in Slovenia (2006-2008), Modelling the national threat assessment (2004-2006) and Shaping the national crisis management system in Slovenia (2004-2006). His teaching activities at Defense Studies Department and International Relations Department of the FSS include courses: New terrorism and system countermeasures, Security in International Relations, Security and Defence Systems, Comparative Defence Systems. He also teaches course National and International Security at the Command and Staff School of the Slovenian Armed Forces. Formerly, he lectured also at the Faculty of Police and Security Studies in Ljubljana. Dr. Prezelj was also member of two governmental interagency working groups: Governmental Interagency Working Group on Addressing Terrorist Threats and Attacks with WMD (2003-2005), Governmental Interagency Working Group on Shaping the Comprehensive Crisis Management System in Slovenia (2004 – 2005). His research interests include: national security, crisis management, terrorism & counter-terrorism, threat & risk assessments, interagency cooperation, international security, South-Eastern Europe.

Session II – Speaker

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



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). 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.

Session II – Speaker

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



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.

Session II – Speaker

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



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.

Session II

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



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

Session III - Chair

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



Abu Bakar Munir is a Professor of Law and currently the Dean of the Faculty of Law, University of Malaya, Malaysia. His areas of interest include ICT Law, and Nanotechnology Law and Policy. He is the author of *Cyberlaw: Policies and Challenges* (Butterworths Asia, 1999), *Privacy and Data Protection* (Sweet and Maxwell, 2002), *Internet Banking: Law and Practice* (Lexis-Nexis, U. K, 2004), and *State, Internet and Information: Legal and Regulatory Challenges* (Thomson Reuters, 2009). He was seconded as the ICT Law Adviser and Principal Consultant to the Government of Dubai in 1999-2000. There, he led an international team of consultant in developing and drafting the Electronic Facilitation Code, Computer Crimes Code and Data Protection Guidelines to facilitate the Dubai Internet City, a multi-billion dollar IT project. Professor Abu Bakar has published numerous articles on several aspects of ICT Law and data protection law and policy.

One of his recent works is “Googling Data Protection: Don’t Be Evil” [2008] C.T.L.R 183-190. He speaks extensively around the world, including at conferences organized by the Oxford University, MIT and Cambridge University. He is the adviser to the Governments of Malaysia and Indonesia on Personal Data Protection Law. He is also a visiting professor at several universities in the region, and affiliated to several organizations, nationally and internationally.

Session III – Speaker

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

Hana Pecháčková is a desk officer (Legal Affairs and Policy) at the European Commission, Directorate-General Justice, Freedom and Security, in the Data Protection Unit. She deals extensively with the processing of personal data, especially in the field of electronic communications, focusing on privacy and data protection related issues on the internet and in new technologies such as RFID and the Internet of Things. Within the scope of tasks entrusted to her Unit in the role of the Secretariat of the Article 29 Data Protection Working Party, Ms. Pecháčková is responsible for co-chairing/chairing the subgroups responsible for Technology and Binding Corporate Rules. She is also an active member of the Commission's Inter-service Reflection Group on RFID, as well as the Expert Group on RFID and Internet of Things. Ms. Pecháčková has been actively involved in preparing Commission's Communication on Promoting protection of personal data by privacy enhancing technologies, and monitors its proper follow-up. She is a frequent speaker at various conferences, workshops and round-table meetings related to privacy, protection of personal data and new technologies. Before joining the European Commission in 2005, Ms. Pecháčková worked as a legal practitioner, as an Associate in an international law firm.

Session III – Speaker

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



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).

Session III – Speaker

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

Juliet Lodge is Professor of European Studies, co-director of the Jean Monnet European Centre of Excellence, University of Leeds, UK. 1992 European Woman of Europe. Her current work is on problems of political authority and governance in digital space; biometrics, border management, e-security and the impact of eGovernment and e-communication on citizens. She has published widely on the European Parliament, Euro elections and EU affairs. She regularly provides evidence to the EU, and national parliaments on EU policing, borders e-government, data privacy, the definition of 'document', the Lisbon treaty and the impact of new technologies on our lives. She has presented evidence to various European Parliament committees, and to IPST, DG Commission on judicial cooperation and the EU public policy implications of biometrics and e-governance; and to the European Parliament on the internal security, ethical judicial cooperation and accountability (2006) (and 2008); on cross border automatic information exchange, interoperability biometrics for the LIBE Public Hearing on the Future of Europol (2007); and House of Lords on the Future of Europol (2008); and on the Green paper on consular cooperation for a common consular space (2007). She has also done presentations for the EU Commission on reforming its communication strategy

Europe. Recent books include: *Are you who you say you are? The EU and biometric borders* (Wolf legal publishers, www.wolflegalpublishers.nl. wlp@hetnet.nl (2007) and *The 2009 Elections to the European Parliament* (Palgrave, London, 2010).

Session VI – Chair

Prof. **Thomas H. Murray**¹ – The Hastings Center, USA



Thomas H. Murray is President of The Hastings Center. Dr. Murray was formerly the Director of the Center for Biomedical Ethics in the School of Medicine at Case Western Reserve University in Cleveland, Ohio, where he was also the Susan E. Watson Professor of Bioethics. He is a founding editor of the journal *Medical Humanities Review*, and is on the editorial boards of *The Hastings Center Report*; *Human Gene Therapy*; *Politics and the Life Sciences*; *Cloning, Science, and Policy*; *Medscape General Medicine*; *Teaching Ethics*; *Journal of Bioethical Inquiry* and the *Journal of Law, Medicine & Ethics*. He served as President of the Society for Health and Human Values and of the American Society for Bioethics and Humanities.

Dr. Murray has testified before many Congressional committees, and is the author of more than 200 publications. His most recent books are *The Worth of a Child*, published by the University of California Press, *Healthcare Ethics and Human Values: An Introductory Text with Readings and Case Studies*, Blackwell Publishers, edited with Bill Fulford and Donna Dickenson, *The Cultures of Caregiving: Conflict and Common Ground among Families, Health Professionals and Policy Makers*, edited with Carol Levine, and *Genetic Ties and the Family: The Impact of Paternity Testing on Parents and Children*, edited with Mark A. Rothstein, Gregory E. Kaebnick and Mary Anderlik Majumder. He is also editor, with Maxwell J. Mehlman, of the *Encyclopedia of Ethical, Legal and Policy Issues in Biotechnology*, (John Wiley & Sons, 2000). In January 2004 he received an honorary Doctor of Medicine degree from Uppsala University.

¹ Prof. Thomas H. Murray replaced Mr. Goran Klemenčič who was called away two days before the workshop.

Session IV – Speaker

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



Ms. Marijana Marušić is graduated jurist with bar exam. Ms. Marušić 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

Session IV – Speaker

Mr. **Franjo Lacko**² – Director of the Croatian Personal Data Protection Agency, Croatia

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.

² Mr. Franjo Lacko's presentation was presented by Snježana Grgič

Session IV – Speaker

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

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.

Session IV - Speakers

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



Antonio Maria D'Amico, has 15 years professional experience mainly in the sectors of telecommunications, multimedia and information market, and computer and law. He operated at the European Community level in Brussels, and he is used to working with international corporations and governments notably for health economic and cost-benefit analysis. He has a top level experience in European affairs, for legal and policy processes for the ICT, Telecommunications market, mainly in the policy framework of the eGovernment, eInclusion and eHealth, to define the rules for services interconnection, interoperability, business model and universal services. He spent four years in Price Waterhouse Consulting in Brussels and in Paris, and previously he worked for three years in the European Commission, Directorate General for Science, Research and Development, as well as the World Bank, the European Investment Bank and the World Trade Organization. He was work package leader of WP for business model in EPIST, EURODONOR and EUROCET project. Today Antonio is President of Inclusion Alliance for Europe GEIE Bucaherest, Romania, and CEO of Eutelis Italia Srl, Rome, Italy.

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



Stane Štefančič, is the founder and general manager of IT company Genis d.o.o Slovenia. While managing the company his professional work has focused on consultancy, research and development of contemporary information systems. He has been the pioneer in implementing the modern concepts of re-engineering of information systems, project management and business process management as well as in the implementation of service-oriented architectures in leading Slovenian companies and public administration. Stane Štefančič has successfully lead Genis to the top of Slovenian developers of information solutions and services for medium to large enterprises and has built the innovative team of global leading specialists for e-Government solutions.

Session IV – Speaker

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



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.