

Neelie Kroes

European Commission Vice-President with responsibility for the Digital Agenda

BE-1049 Brussels

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Dear Commissioner,

The EU data retention directive 2006/24 requires telecommunications companies to store data about all of their customers' communications. Although ostensibly to reduce barriers to the single market, the Directive was proposed as a measure aimed at facilitating criminal investigations. The Directive creates a process for recording details of who communicated with whom via various electronic communications systems. In the case of mobile phone calls and SMS messages, the respective location of the users is also recorded. In combination with other data, Internet usage is also to be made traceable.

We believe that such invasive surveillance of the entire population is unacceptable. With a data retention regime in place, sensitive information about social contacts (including business contacts), movements and the private lives (e.g. contacts with physicians, lawyers, workers councils, psychologists, helplines, etc.) of 500 million Europeans is collected in the absence of any suspicion. Telecommunications data retention undermines professional confidentiality, creating the permanent risk of data losses and data abuses and deters citizens from making confidential communications via electronic communication networks. It undermines the protection of journalistic sources and thus compromises the freedom of the press. Overall it damages preconditions of our open and democratic society. In the absence of a financial compensation scheme in most countries, the enormous costs of a telecommunications data retention regime must be borne by the thousands of affected telecommunications providers. This leads to price increases as well as the discontinuation of services, and indirectly burdens consumers.

Studies prove that the communications data available without data retention are generally sufficient for effective criminal investigations. Blanket data retention has proven to be superfluous, harmful or even unconstitutional in many states across Europe, such as Austria, Belgium, Germany, Greece, Romania and Sweden. These states prosecute crime just as effectively using targeted instruments, such as the data preservation regime agreed in the Council of Europe Convention on Cybercrime. There is no proof that telecommunications data retention provides for better protection against crime. On the other hand, we can see that it costs billions of Euro, puts the privacy of innocent people at risk, disrupts confidential communications and paves the way for an ever-increasing mass accumulation of information about the entire population.

Legal experts expect the European Court of Justice to follow the Constitutional Court of Romania as well as the European Court of Human Rights's Marper judgement and declare the retention of telecommunications data in the absence of any suspicion incompatible with the EU Charter of Fundamental Rights.

As representatives of the citizens, the media, professionals and industry we collectively reject the Directive on telecommunications data retention. We urge you to propose the repeal of the EU requirements regarding data retention in favour of a system of expedited preservation and targeted collection of traffic data as agreed in the Council of Europe's Convention on Cybercrime. In doing so, please be assured of our support.

Yours faithfully,

1. Dr. Patrick Breyer [...] for the **Arbeitskreis Vorratsdatenspeicherung (Working Group on Data Retention)**, Germany
2. Gergana Jouleva for the **Access to Information Programme**, Bulgaria
3. Terri Dowty for **Action on Rights for Children**, UK
4. Rainer Hammerschmidt for **Aktion Freiheit statt Angst e.V.**, Germany
5. Andrea Monti for **ALCEI - Electronic Frontiers Italy**, Italy
6. David Banisar for **ARTICLE 19: Global Campaign for Free Expression**, UK
7. Dr. Roland Lemye for **Association Belge des Syndicats Médicaux**, Belgium
8. Alen Nanov for the **Association for Advising, Treatment, Resocialization and Reintegration of Drug Users and Other Marginalized and Vulnerable Groups IZBOR**, Macedonia
9. Bogdan Manolea for the **Association for Technology and Internet - APTI**, Romania
10. Martine Simonis for **L'association Générale des Journalistes Professionnels de Belgique (AGJPB)**, Belgium
11. Ute Groth for **bdfj Bundesvereinigung der Fachjournalisten e.V.**, Germany
12. Ot van Daalen for **Bits of Freedom**, The Netherlands
13. Gabriele Nicolai for **Berufsverband Deutscher Psychologinnen und Psychologen e.V.**, Germany
14. Torsten Bultmann for **Bund demokratischer Wissenschaftlerinnen und Wissenschaftler e.V.**, Germany
15. Marina Jelic for **Center for Peace and Democracy Development CPDD**, Serbia
16. Sabiha Husic for **Citizens' Association Medica Zenica**, Bosnia and Herzegovina
17. Zdenko Duka for the **Croatian Journalists' Association CJA**, Croatia
18. Christian Jeitler for **Cyber Liberties Union**, Austria
19. Vagn Jelsoe for the **Danish Consumer Council**, Denmark
20. Karl Lemmen, **Deutsche AIDS-Hilfe e.V.**, Germany

21. Ulrich Janßen for **Deutsche Journalistinnen- und Journalisten-Union dju in ver.di**, Germany
22. Michael Konken for **Deutscher Journalisten-Verband**, Germany
23. Stefanie Severin for **DFJV Deutscher Fachjournalisten-Verband AG**, Germany
24. TJ McIntyre for **Digital Rights Ireland**, Ireland
25. Martina Haan for **DPV Deutscher Presse Verband – Verband für Journalisten e.V.**, Germany
26. Prof. Michael Rotert for **eco - Association of the German Internet Industry**, Germany
27. Eleni Alevritou for **EKPIZO Consumers Association the Quality of Life**, Greece
28. Ville Oksanen for **Electronic Frontier Finland**, Finland
29. Katitza Rodriguez for the **Electronic Frontier Foundation**, U.S.A.
30. Thomas Gramstad for **Electronic Frontier Norway**, Norway
31. Máté Dániel Szabó for **Eötvös Károly Institute**, Hungary
32. Andreas Krisch for **European Digital Rights**, Europe
33. Anne Margrethe Lund, **European Movement in Norway**, Norway
34. Werner Korsten for the **Evangelische Konferenz für Telefonseelsorge und Offene Tür e.V.**, Germany
35. Simona Conservas for **exgae**, Spain
36. Stefan Hügel for **FIfF - Forum InformatikerInnen für Frieden und gesellschaftliche Verantwortung e.V.**, Germany
37. padeluun for **FoeBuD e.V.**, Germany
38. Beate Ziegler for **Forum Menschenrechte**, Germany
39. Stephan Uhlmann for the **Foundation for a Free Information Infrastructure (FFII) e.V.**, Europe
40. Valentina Pellizzer for **Foundation Oneworld - platform for Southeast Europe (owpsee)**, Bosnia & Herzegovina
41. Ross Anderson for **FIPR Foundation for Information Policy Research**, UK
42. Lutz Donnerhacke for **FITUG e.V.**, Germany
43. Matthias Kirschner for **Free Software Foundation Europe FSFE**, Europe
44. Martin Grauduszus for **Freie Ärzteschaft e.V.**, Germany
45. Jürgen Wahlmann for **GameParents.de e.V.**, Germany
46. Christoph Klug for **Gesellschaft für Datenschutz und Datensicherheit e.V. (GDD)**, Germany
47. Arvind Ganesan for **Human Rights Watch**, international
48. Joyce Hes for **Humanistisch Verbond**, The Netherlands
49. Sven Lüders for **Humanistische Union e.V.**, Germany
50. Dr. Balázs Dénes for the **Hungarian Civil Liberties Union**, Hungary
51. Jo Glanville for **Index on Censorship**, UK
52. Dr. Rolf Gössner for **Internationale Liga für Menschenrechte (Berlin)**, Germany
53. Rudi Vansnick for **Internet Society Belgium**, Belgium
54. Veni Markovski for the **Internet Society Bulgaria**, Bulgaria

55. Gérard Dantec for the **Internet Society France**, France
56. Jan Willem Broekema for **Internet Society**, The Netherlands
57. Marcin Cies'lak for the **Internet Society Poland**, Poland
58. Eamonn Wallace for **IrelandOffline**, Ireland
59. Mark Kelly for the **Irish Council for Civil Liberties**, Ireland
60. Niels Elgaard Larsen for the **IT-Political Association of Denmark**, Denmark
61. Markéta Nováková for **Iuridicum Remedium**, Czech Republic
62. Milan Antonijevic for **Koalicija za slobodu pristupa informacijama (Coalition for Free Access to Information)**, Serbia
63. Elke Steven for the **Komitee für Grundrechte und Demokratie**, Germany
64. Agata Szczerbiak for **Krytyka Polityczna (Political Critic)**, Poland
65. Jérémie Zimmermann for **La Quadrature du Net**, France
66. Milan Antonijevic for **Lawyers Committee for Human Rights YUCOM**, Serbia
67. Klaus Jetz for **Lesben- und Schwulenverband LSVD**, Germany
68. Isabella Sankey for **Liberty (the National Council for Civil Liberties)**, UK
69. Astrid Thienpont for **Liga voor Mensenrechten (Human Rights League)**, Belgium
70. Manuel Lambert for **Ligue des droits de l'Homme (Human Rights League)**, Belgium
71. Bardhyl Jashari for **Metamorphosis Foundation**, Macedonia
72. Christian Bahls for **MOGiS e.V.**, Germany
73. Dennis Grabowski for **naiin - no abuse in internet e.V.**, Germany
74. Thomas Bruning for **Nederlandse Vereniging van Journalisten**, The Netherlands
75. Harry Hummel for **Netherlands Helsinki Committee**, The Netherlands
76. Albrecht Ude for **netzwerk recherche e.V.**, Germany
77. Christine Nordmann for **Neue Richtervereinigung e.V.**, Germany
78. Phil Booth for **NO2ID**, UK
79. Jim Killock for **Open Rights Group**, UK
80. Laurence Evrard for the **Ordre des barreaux francophones et germanophone**, Belgium
81. Annelies Verstraete for the **Orde van Vlaamse Balies**, Belgium
82. Katarzyna Szymielewicz for **Panoptikon Foundation**, Poland
83. Stefan Kaminski for the **Polish Chamber of Commerce for Electronics and Telecommunications**, Poland
84. Simon Davies for **Privacy International**, UK
85. Mag. Georg Markus Kainz for **q/uintessenz**, Austria
86. Christian Rickerts for **Reporter ohne Grenzen e.V.**, Germany
87. Jean Francois Julliard for **Reporters Sans Frontières**, international
88. Carsten Gericke for **Republikanischer Anwältinnen- und Anwälteverein e.V.**, Germany
89. Walter van Holst for **ScriptumLibre Foundation/Stichting Vrijdschrift.org**, The Netherlands
90. Tony Bunyan for **Statewatch**, UK
91. Janet de Jonge for **Stichting Meldpunt Misbruik ID-plicht**, The Netherlands

92. Hans van der Giessen for the board of **Stichting NBIP - Nationale Beheersorganisatie Internet Providers**, The Netherlands
93. Lars-Henrik Paarup Michelsen for **Stopp Datalagringsdirektivet**, Norway
94. Paul Jansen for **The dotindividual Foundation**, The Netherlands
95. Karin Ajaxon for **the Julia Group**, Sweden
96. Bernadette Ségol for **UNI europa**, Belgium
97. Frank Bsirske for **United Services Union (ver.di - Vereinte Dienstleistungsgewerkschaft)**, Germany
98. Dr. Carla Meyer for **Verband der Freien Lektorinnen und Lektoren VFLL e.V.**, Germany
99. Dr. Werner Weishaupt for **Verband freier Psychotherapeuten, Heilpraktiker für Psychotherapie und Psychologischer Berater e.V.**, Germany
100. Gerd Billen for **Verbraucherzentrale Bundesverband e.V.**, Germany
101. Prof. Dr. Wulf Dietrich for **Verein demokratischer Ärztinnen und Ärzte**, Germany
102. Anna Bauer for **Vereinigung Demokratischer Juristinnen und Juristen e.V.**, Germany
103. Arnout Veenman for the **Vereniging ISPCConnect Nederland**, The Netherlands
104. Miek Wijnberg for **Vereniging Vrijbit**, The Netherlands
105. Daniel Jahre for **Verein Linuxwochen**, Austria
106. Claudio Agosti for the **Winston Smith Project**, Italy