

January 28, 2014

Greek Presidency of the Council of the European Union
Mr. Charalampos Athanasiou
Minister for Justice, Transparency, and Human Rights of the Hellenic Republic

Dear Charalampos Athanasiou,

We, the signatory organisations, are writing to you on the occasion of the Data Protection Day. This day is marked on 28 January each year in commemoration of the opening for signature in 1981 of the Council of Europe's "*Convention for the Protection of individuals with regard to automatic processing of personal data*" (Convention 108). This Convention has been a cornerstone of data protection in Europe and beyond for over 30 years.

Almost three decades after the entry of the Convention into force, under the pressure of unprecedented technological progress and increasing global threats to privacy and data protection, the EU is now more than ever before accountable for its policies and choices regarding the right to privacy and protection of personal data.

The Charter of Fundamental Rights, as part of the primary law of the European Union, is legally binding on its Member States, and includes the right to respect for private and family life (Article 7) and the right to protection of personal data (Article 8). Moreover, the Treaty provides for accession by the Union to the European Convention for the Protection of Human Rights. This instrument also guarantees the right to private and family life (Article 8). Furthermore, all European Union Member States have ratified the Convention 108 of the Council of Europe. All these binding instruments establish a positive obligation in Union and its Member States to protect private life and personal data for everyone.

In this context, we, the undersigned non-profit organisations committed to defending the individuals' rights in the online environment, take this opportunity to share with you our deep concerns about the lack of progress concerning data protection in Europe. In our age of fast technological changes, this amounts to retrogression.

The European Commission released a proposal intended to update and modernise the current data protection framework in early 2012, referred to as the *Data Protection Reform Package*, which includes a proposal for a General Data Protection Regulation and a Directive for the law enforcement sector. We regret that the progress of this dossier so far has been littered with unnecessary barriers, and that, over two years after the initial proposals were made, we are still a considerable distance away from achieving a much-needed update EU data protection legislation.

On 21 October, the Civil Liberties, Justice and Home Affairs (LIBE) Committee of the European Parliament held its orientation vote on the package. Progress in the Council has been painfully slow. This lack of progress is to the detriment of citizens' rights, as they are increasingly exposed to the risks associated with data mining, export of their data to countries with inadequate legal protection and profiling. These threats have potentially serious impacts such as discrimination and online fraud. The lack of progress is similarly to the detriment of industry, which still has to cope with 28 different legal regimes, as long as the current framework remains in place.

At the same time we are encouraged by the fact that some progress was made at the meeting in Athens, Greece on January 23-24, and we strongly encourage the Council representatives build on this progress.

In conclusion, we urge you to take all necessary steps to move forward with this agenda without any further unnecessary delays, in order to restore the trust of European citizens by supporting a strong and predictable uniform legal framework on data protection across Europe, in full respect of the EU's legal obligations.

We urge you to take a constructive approach in reviewing this legislation. When the Charter entered into force, it represented a clear promise to the citizens of the Union. It is time to finally close the loopholes, stop the unnecessary delays and prove that the EU is capable of delivering on its legal obligations.

Sincerely,

Access (International)

Article 19 (International)

Bits of Freedom (The Netherlands)

Digitalcourage (Germany)

Digitale Gesellschaft e.V. (Germany)

Electronic Frontier Finland (Finland)

European Digital Rights (Europe)

Europe-v-facebook.org (Austria)

Initiative für Netzfreiheit (Austria)

IT-Political Association of Denmark (Denmark)

La Quadrature du Net (France)

Net Users' Rights Protection Association (NURPA) (Belgium)

Open Rights Group (ORG) (United Kingdom)

Panoptykon Foundation (Poland)

Privacy International (International)

Statewatch (United Kingdom)

VIBE (Austria)

Vrijdschrift (The Netherlands)