

CHALLENGE INTERNATIONAL CONFERENCE



The Exchange and Storage of Data Issues of Sovereignty, European and International Technical Cooperation, and Fundamental Human Rights

PROGRAMME

October 10-11, 2008

Sciences Po Paris
Amphithéâtre Jacques Chapsal
27 rue Saint Guillaume 75007 Paris, France

**This conference is one of the official events
of the French Presidency of the European Union**

http://www.ue2008.fr/PFUE/lang/fr/accueil/PFUE-10_2008/PFUE-10.10.2008/colloque_international_sur_l_echange_et_conservation_des_donnees

The working languages will be French and English



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Conference outline

The increased use of the exchange of personal data in security matters, which are handled at the European and transnational level, raises crucial questions from two angles; The political implications of the harmonisation of technical systems for the exchange of data, and also from the point of view of the legal and judicial guarantees offered to citizens and foreigners in the field of data protection.

Until now, individuals are dependent of travel documents provided by their states, allowing them to travel internationally, . This system relies upon the mutual trust between states regarding the travel documents which are produced. The liberalisation of economic exchange, particularly of services, and the promotion of the value of freedom of movement at a global scale, has resulted in the creation of large areas in which entry visas are not required, and - in the case of the Schengen zone where people circulate freely - without any internal border controls. Due to the risk of large scale attacks carried out by a handful of individuals, certain governments, including the United States, no longer wish for their security to rely upon documents originating from states in which their faith is limited. By using new technologies these states seek information about the movements, and to directly control these movements, of citizens of other states in their territories, especially persons travelling through their country or seeking residence in their country. It marks a fundamental change in the economy of interstate relations, which alters conceptions of sovereignty.

Some states are considered unable to produce trustworthy documents. The most powerful states have direct knowledge of the populations of other states thanks to biometric identifiers stored in their interoperable databases, which allow authentication in real time. This destabilises the principle of equality between sovereign states engaged in the exchange of information on the identity of an individual. This undermines the whole system of visa facilitation and in part the principle of freedom of movement for individuals in areas (or between areas) this freedom has been established. Individuals no longer solely depend upon the travel documents provided by their own country, but increasingly depend on whether they are registered or not in databases of other countries, which define whether they will be permitted to travel through or to enter the territory of these other countries' territory.

The judicial equality between states is affected by their ability to digitalise, exchange, and store personal data, as well as the degree of trust which they place in the agencies which collect and store the data. International collaboration is changing. For some, the exchange of data is nothing more than a necessary stage in the development of a new model of global sovereignty, led by states that do not trust any system except their own. Others, reacting to this challenge to national sovereignty, hope to

see a system of trust, which works solely upon information concerning dangerous individuals, and on the basis of reciprocity. Paper documentation, with its link to nationality and its verification at the border, has become secondary to the remote management of information about people and the threat they pose.

The political issue of who, in the future, controls (exclusively or not) the storage of data, its preservation, its use in real time, and the ability to create profiles to predict certain behaviors, finds its parallel in the economic issue of who builds the technical architecture supporting these systems. Is the aim to establish an integrated monopoly with central databases? Or, is it to promote multi-polar systems with different technical and economic operators, whose technical platforms are interoperable, and in which the availability of information, gathered in a consistent manner, is thought of as a prerequisite? This issue is often portrayed as being connected to technical efficiency, but is actually linked to the existing political strategies which determine the sort of public/private partnerships that governments are attempting to set up. An understanding of this last issue, on both sides of the Atlantic, is crucial. One should not, however, allow the issue of sovereignty and the demands of building a European database industry to overshadow the critical point; the storage of information on individuals, and the question of whether the individuals themselves or the agency which collected it (private or public, national or supranational) are the owners of the information.

The right to a private life, and the protection of personal data stored in databases – which themselves are part of networks – are not analysed in the same ways in industrialised countries, and the relationship between the private sector on the one hand, and the police and intelligence services on the other, differs greatly. This leads to misunderstandings between them. Concepts of personal information and personal data, when used by an increasingly large number of actors – from law enforcement agencies to customs, consulates, intelligence services and the private sector – they lose all of their clarity. In consequence, there is a risk that citizens will lose their trust in the services which collect their personal information and share it widely, especially with the absence of standardised rules. This risk is made even greater by the lack of clarity on the use of personal data and its protection, and the use of profiling techniques that rely more upon intelligent software than human intelligence. Data-protection legislation, and the principles that guide it, should not remain fragmented and incoherent at the global level, especially as the technical systems of data exchange become increasingly interoperable and integrated. It is necessary to bring international rights and freedoms up-to-date to take into account the globalisation of data exchange.

What are the factors and social forces at work that drive the convergence of technical systems and the exchange of data? What is the practical meaning of rules protecting both our privacy and the proportionality between the needs of an investigation and the risk of serious harm to the fundamental rights of an individual deriving from incorrect information being stored on their file? How can these mechanisms work in such a way as to alleviate the fear of the development of a 'surveillance-society' articulated with a transnational apparatus which, if things remain as they are, cannot be held to

account by national, European, or international jurisdictions? Data protection, and, beyond it, respect for private life, is certainly subject to harmonised legal regulations, but it also depends upon the philosophical and political ideas held by states. This international conference, to be held in October 2008, will bring together actors who are very active in three different areas – issues of sovereignty, economic competitiveness, and individual freedoms – and will encourage the consideration of the articulation between these three areas, instead of considering them separately. Representatives of governments, the major European agencies for internal security, national and European parliamentarians, officials from regulatory agencies, and professionals from the security industry – including businesses involved in marketing the technical systems for data exchange – will meet with academics working for more than four years together to create a framework within which these questions should be discussed.

Programme

Friday, October 10 : 13.30 – 14.30

Opening session:

- Bruno Latour, Scientific Director, Sciences Po Paris, France : Welcome Speech
- Didier Bigo, MCU Professor of IR, Sciences Po Paris, CHALLENGE Scientific Coordinator, France : The CHALLENGE Program
- Angela Liberatore, DG Research, European Commission: The Research Programs
- Michèle Alliot-Marie, Minister for the Interior for France: Opening Speech

Friday, October 10 : 14.30 – 18.00 (Break: 16.15 – 16.45)

Issues of sovereignty

Chairperson: **R.B.J. Walker**
Professor, University of Keele, United Kingdom

Participants:

- **Gilles de Kerchove**
European Union Counter Terrorism Coordinator
- **Jacques Verraes**
DG Justice, Liberty, and Security, European Commission
- **Didier Bigo**
MCU Professor of IR, Sciences Po Paris, CHALLENGE Scientific Coordinator, France

Round Table Debate:

The need for data exchange, the transatlantic dimension, and the issue of sovereignty

- **Kevin O'Connell**
Former deputy director of Europol, United Kingdom
- **Lord Harrison of Chester**
Member of the House of Lords, European Union Select Committee, United Kingdom
- **George de la Loyère**
International Affairs Section, Commission Nationale Informatique et Liberté, France
- **Erik Josefsson**
Former European Affairs Coordinator, Electronic Frontier Foundation

Rapporteurs: **Vivienne Jabri** - Professor, King's College London, United Kingdom
Sergio Carrera - Fellow, Centre for European Policy Studies, Belgium

Saturday, October 11 : 09.30 – 13.00 (Break: 10.45 – 11.15)

Technical collaboration and the economic competitiveness of security industries

Chairperson: **Nikos Scandamis**

Professor, University of Athens, Greece

Participants:

- **Marco Malacarne**
Head of Unit, Security Research, DG Enterprise, European Commission
- **Bernard Didier**
Director, Technical and Business Development, Defense and Security Division, Security Business Unit, Sagem
- **Thierry Leterre**
Professor, University of Versailles Saint-Quentin-en-Yvelines, France

Round Table Debate:

The development of biometric technology and the interoperability of data- exchange systems

- **Edgar Beugels**
Research and Development Unit, Frontex
- **Philippe Robin**
Technical Director, Thalès Security Systems
- **Caspar Bowden**
Chief Privacy Advisor, Microsoft EMEA Technology Office

Rapporteurs: **Juliet Lodge** - Professor, University of Leeds, United Kingdom

Michalis Lianos - Professor, University of Rouen, France

13.15 – Lunch

Saturday, October 11 : 14.30 – 18.00 (Break: 16.15 – 16.45)

Protection of fundamental human rights and freedoms at the international level

Chairperson: **Peteris Zilgalvis**

Head of Unit, Directorate L - Science, Economy and Society, Governance and Ethics,
DG Research, European Commission

Participants:

- **Elsbeth Guild**
Professor, University of Nijmegen, The Netherlands
- **José Luís Lopes da Mota**
President of the College, Eurojust
- **Ioannis Dimitrakopoulos**
Principal Legal Adviser, Secretariat of the European Ombudsman, and Head of Research European Fundamental Rights Agency
- **Laurent Touvet**
Director of Fundamental Liberties and Judicial Affairs, Ministry of Interior, French Presidency of the European Union

Round Table Debate:

Fundamental human rights and the protection of freedom at the international level

- **Alain Brun**
Head of Unit, Data Protection, DG Justice, Liberty, Security, European Commission
- **Prof. Szabo. Mate**
Hungarian Ombudsman
- **Mathyjs le Rutte**
Senior Legal Officer, Protection Operations and Legal Advice Section, Department for International Protection Services, UNHCR

Rapporteurs: **Judith Töth** – Professor, University of Szeged, Hungary

Evelien Brouwer – Research Fellow, University of Utrecht, The Netherlands

Closing Remarks: 18.45 – 19.30

Peter Johan Hustinx – European Data Protection Supervisor

Summaries and conclusions of Panels presented by CHALLENGE Rapporteurs

With the contribution of CHALLENGE Partners:



Szeged University



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