



# With any measures taken...

**'With any measures taken, the Government is accountable for the consequences for citizens' privacy.' The political parties CDA, PvdA and CU decided to introduce this promising policy aimed at the protection of privacy as an assignment for the Cabinet, which had not yet been formed at that point.**

A wide diversity of activities can have consequences for the privacy of ordinary citizens, and the necessity to take these into account, both in the private and public sector, is undeniably increasing. The creation of all kinds of technical innovations, in combination with the Internet and existing ICT applications create almost unlimited possibilities for the gathering of information, and for the communication of that information. The advantages of this situation are immediately apparent. We all are embracing new possibilities for personal development, for improved and more effective private and public services, and more responsible forms of production. Refined logistics systems, electronic government files that are connected by means of personal numbers for the benefit of a convenient service provision for citizens, public and financial services via the Internet, the Public Transport Smart Card, the ability to purchase air tickets, software, films, music and other goods online, mobile communication in speech, images, and text, multiplayer online role playing games, web logs and chat programmes, powerful search engines and continuous news provision: we are experiencing a revolution that is both limitless and challenging.

All these good things have disadvantages as well. In principle, such ICT applications make large amounts of personal data available for analysis, profiling, tracing, and controls. Where necessary, storage of the data may well be made into a legal obligation in order to enable this, such as in the case of traffic data of all the telecommunication of almost half a billion EU citizens. These unlimited possibilities can become very disadvantageous both to people and to the cohesion in society. In a world where technology transcends all boundaries, who determines and maintains the norms and values that every society needs to remain habitable, and to 'keep things together'? What social consequences are associated with the fact that a company, government or individual would be able to trace someone's daily life from one minute to the next? How safe can people still feel in such a society?

There is no doubt that the possibilities which allow everyone insight into and the use of details about the private life and the behaviour of individuals should be subjected to limitations. When someone is blacklisted on the Internet, the consequence could be that this person – often for no good reason at all – could be made infamous across the globe for an indeterminate period of time. When a guileless young person has sent a webcam recording over the Internet, it must be questioned whether it is permissible for that person to be confronted with it years later at a moment when it is least expected, such as during a job application procedure. The connection between all kinds of searches and all kinds of other data files – including video camera recordings – can lead to suspicions or profiling that bears no resemblance to reality. The 're-use' of a limited amount of collected or linked data about an individual can lead to expensive and disastrous forms of identity fraud and theft. People who, without thinking, and not taking reality into account, have remarked that they did not have anything to hide, will be confronted with the unwelcome side of reality when it turns out afterwards that they have not been able to do anything, anywhere, without being spied on or recorded.

Technology, especially when its maximum deployment is linked to efficiency targets, is 'without values'. Legislation has ensured, in the form of the *Wet bescherming persoonsgegevens* (Wbp) [Dutch Data Protection Act], and a number of other laws and legal regulations, that the gathering and processing of data by private and public organisations most certainly does need to comply with certain norms and values: namely that data should only be collected once it has been established that this is necessary; that in principle, the data should not be used for any purposes other than those for which they were originally collected; and that data should, in any case, be handled with due care and respect.

Within the operational arena of the socio-technical developments described above, maintaining the system of norms as laid down in the Wbp has not – all things considered – become any easier, especially for a supervisory body with such limited financing. For the Dutch Data Protection Authority, it is essential to make well-defined and balanced choices when addressing the issue as to how, and in what fields, personal data should particularly be protected. The coalition has expressed a commitment that, when formulating any measures in this area, the consequences of such measures for the privacy of citizens will be taken into account and justified. This will provide, in any case, a welcome contribution to this important endeavour.

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