

**26th International Conference on Privacy and Personal Data Protection
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Plenary Session: “The Right to Privacy and the Protection of Public Security”

*Chair: Mr Peter J. Hustinx
European Data Protection Supervisor*

Ladies and Gentlemen,

I would like to welcome you at this first plenary session of the 26th International Conference on Privacy and Personal Data Protection.

This session will deal with one of the great challenges of our time: how to preserve and to increase the security of our communities, of our societies and even of our globe, with due respect for and even enhancement of the protection of the privacy of our citizens.

Those of you who find this too ambitious or far fetched, should realize that the history of this region shows that security and protection of human rights can be improved at the same time. Let me just refer to Wroclaw’s history as described by Norman Davies in “Microcosm - Portrait of a Central European City” (2002), and let me also remind you that the enlargement of the European Union on 1 May of this year resulted in a larger area of Freedom, Security and Justice, which is founded on a common respect for fundamental rights and freedoms.

There are also other perspectives of course. In September 2001, this conference took place in Paris, just two weeks after the terrible events in New York. A parallel session looked at “Privacy and Cybersecurity” and it felt clearly how difficult it is to react to such events with due regard for the basic values underlying our societies. This has now developed into a dominant theme for a plenary session, since the challenges have become highly visible and pervasive, and can not be avoided by anyone.

Privacy and security may be a difficult combination nowadays, but I strongly believe that the one can not exist without the other. In other words, true and lasting security includes and presupposes privacy, and consequently there is no way but to ensure that adequate safeguards for protection of privacy are integrated in all security measures.

The principles on the basis of which this should be done have been laid down in the European Convention on Human Rights, and have been confirmed and elaborated in the European Charter of Fundamental Rights, which has now been integrated in the draft EU Constitution. Any restriction of the right to privacy should thus be based on a clear legal basis, and only take place for specific legitimate purposes, to the extent necessary and proportionate for a pressing social need, with adequate safeguards to avoid any possible abuse.

Let me refer in this context also to the first decision of the EC Court of Justice about the meaning of Directive 95/46/CE (Österreichischer Rundfunk, May 2003). That decision contains an interesting list of questions which also can serve as a checklist

for the evaluation of draft legislation and any proposal for international cooperation, which aims to impose restrictions on the right to privacy. This checklist could thus also serve as an agenda for the development of security measures respecting privacy.

Let me now continue with the introduction of the speakers on our panel who come from different regions and represent a range of perspectives in this continuing debate.