

Speech

for the relaunch of

Bits of Freedom

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The promise of freedom of digital technologies

1. Digital technologies developed in the past decades carry within them a great promise. Let me tell you about my first encounter with that promise. I remember fondly the day I installed our first modem in my computer. It was a 14k4 modem, if I remember correctly; it was 1994 or 1995.
2. My family and I were no early adopters, but for most people, those were the first days of the internet. Those were the days that online coffee machines made headlines. Those were the days when playing chess over the internet with some guy from Japan was worth mentioning to my friends in high-school. Those were the days that a single line of ASCII text or a floppy disk could mean the world to you.
3. Those days are long gone, but the promise of digital technologies made a lasting impression on me. Everyone could start its own website and publish it to the world. You were no longer dependent on the goodwill of corporations to create new software, or to connect with your friends. Digital technology gave each individual powerful tools to participate in a global community. Meanwhile, security experts, aware of the privacy-risks associated with these technologies, developed methods to ensure that each of us could enjoy the privacy he or she also enjoyed in the analog days. It was a revolution.
4. And as is common with revolutions, governments and corporations were struggling to keep up. Studies were commissioned to understand the nature of

digital technologies and the internet. New laws were created, and old laws were extended. New corporations turned the internet to their advantage. Old corporations couldn't adapt and struggled to survive.

5. The Dutch government at that time also tried to determine its position. After careful deliberation, it formulated in 1998 a central principle for deciding how laws should relate to these new, digital phenomena. The principle read:

“That which applies off-line, should also apply on-line.”
(“*wat off -line geldt, moet ook on-line gelden*”).

6. The law, according to the Dutch government, should make no distinction between bricks and bits; no distinction between the analog and the digital; and no distinction between the physical and the virtual.
7. This principle led to much resistance. It was feared that it would be used to impose off-line restrictions on the on-line world. It was feared that the promise of freedom would be clipped at the wings.
8. This was the time that Bits of Freedom started its activities. Under the lead of Maurice Wessling, and later also Sjoera Nas, Bits of Freedom fought hard to ensure that this promise of freedom did not turn into a threat of control. Unfortunately, as Karin told you, it had to end its activities in 2006.
9. Since then, however, it appears that this already questionable principle is being substituted for a new one, which is even worse:

“That which we wouldn't apply off-line, we will apply on-line.”

10. Let me take you through a selection of examples we encountered in The Netherlands since Bits of Freedom closed its doors.

Sensitive databases are being built and used to the fullest extent

11. Let me start with databases. The Dutch government is building databases.

Enormous databases containing highly sensitive and private information about individuals. These are being built at a breakneck speed, while the need therefore, the security thereof and the legitimacy thereof is questionable.

12. First example: telecommunications data. Dutch internet providers are obliged to collect traffic data and location data of all subscribers. They will have to do so for a period of 6 months for internet traffic, and for a period of 12 months for other types of traffic. Mind you, the Dutch government in its first legislative proposal concluded that all data should be retained for a period of 18 months. Only after resistance in both parliaments did the Minister cave in.
13. Now let's reverse the logic for once and apply this “on-line legislation” to the “off-line world”. Wouldn't it be simply unthinkable that the postal office would be obliged by the government to keep a record of all senders and recipients of snail-mail, and do so for a period of 18 months?
14. Second example: transport data. This year, we saw the introduction of the digital public transport card (the *OV-chipkaart*). This allows public transport companies to register all movements of Dutch citizens via public transport. These are then stored in a digital database. Meanwhile, it is known for one year already that the security of the card – on which the whole system is based – is broken, and cannot be fixed.
15. Now, would it be acceptable if someone were to constantly sit next to you while you were taking a train or a bus, registering all your movements in a small notebook, and then storing these notebooks in a safe which is accessible by persons pretending to be you?
16. Last example: fingerprint data. The Dutch government recently not only introduced the obligation to include fingerprints in passports, as was required by European legislation, but in this process also introduced a database containing all those fingerprints. This central database will be made accessible not only for purposes of checking the authenticity of these passport, but also for the prevention and investigation of crimes and terrorism.

17. Now what would happen if all Dutch citizens were obliged to report at the police office, queue patiently and leave their thumb in blue ink in a file for later use against them? It is not surprising that various privacy experts, including the Dutch Data Protection Authority, concluded that a central fingerprint database in general and this multi-purpose database in particular seriously infringed the right to privacy.
18. Now, of course it would be waste of tax money if all the data being collected was not put to good use. But you can rest assured. Let me give you one recent example.
19. The CIOT, or Central Information Point for Telecommunications Investigations (the *Centraal Informatiepunt Onderzoek Telecommunicatie*) is the investigative clearing house for telecommunication subscriber data in The Netherlands. If the police for example has come across an email-address of a suspected criminal and wants to know the name of the subscriber which owns that address, it can request the CIOT to provide this. Now, most of the Dutch in this room will already know, but for the non-Dutch: how many times per month does the CIOT receive such a request? (There are approximately 16.5 million citizens in The Netherlands.) It turns out that CIOT receives over 250.000 of such requests per month.
20. Now, again, let's apply this example off-line: would it be acceptable if 250.000 Dutch citizens per month received a request from the police to identify themselves in their home?
21. All in all, I am really concerned about the digital collection fever of the Dutch government. I am surprised how little the right to privacy is respected in the process of creating all these databases. Now don't get me wrong: I'm all for using digital technology to improve our lives. But only if the collection of private data is kept to the barest minimum, privacy is ensured to the fullest extent and the security of the systems used is excellent.

While digital openness and freedom remains under siege

22. But it is not only databases that I am concerned about. Simultaneously, the openness and freedom of digital technology – and the internet in particular – is still under siege.
23. In The Netherlands, more than 85% of all households have internet access and digital technologies are becoming more pervasive and more important:
 - Creative possibilities have grown exponentially. Blogs, mash-ups and wiki's: the creative content available on the web is simply amazing.
 - Innovation shows no signs of abating. The costs of using digital technology is dropping, increasing the amount of computing power at the hands of each individual. The free software movement produces software which is superior to proprietary software and gives users much more freedom.
 - Information available online has exploded. Blogs, books, music and academic knowledge are all available at the fingertips of each individual connected to the internet.
24. It is not surprising then, that the French constitutional court recently in the HADOPI-case explicitly confirmed that access to internet forms part of the fundamental right to freedom of communication.
25. Nevertheless, powerful lobbies still attempt to gain control over one of the most efficient and open distribution channels we know. Rights holders are promoting the idea of disconnecting users from the internet if they allegedly infringe copyright, as we have recently seen in France. Filtering and zoning technologies are becoming more pervasive: in The Netherlands for example, BREIN, the enforcement department of Dutch collection societies, has publicly indicated that it is considering requesting internet providers to filter torrent-sites. And the principle that internet providers should not discriminate between different types of content is the subject of a heated debate.
26. These are also troubling developments. Disconnection, filtering and content

discrimination all stand in the way of an open and free internet which is accessible to all. The fundamental right of freedom of communication is also in need of defense.

Bits of Freedom will defend your digital freedoms

27. So let's take stock. What has come of this questionable principle “that which applies offline, should also apply online”? As it turns out, it resulted in the worst of both worlds: far-reaching restrictions from the off-line world are imposed on the on-line world, while the civil liberties that are applicable to *all* spheres of human activity are being ignored in the digital realm.
28. That is why Bits of Freedom is back online: to try to ensure that the fundamental rights each Dutch citizen enjoys, will be respected in the digital age.
29. Now what will we do? The two themes I set out before will be central to our first campaigns: we will fight against privacy-infringing databases, and we will fight for an open and free internet. We have organized two small workshops tomorrow at 14.00 hrs and 15.00 hrs, during which you can share your thoughts on these issues.
30. And second, how will we do that?
 - We will primarily work on influencing government policy and self-regulation. To this end, we will try to introduce specific legislative proposals aimed at safeguarding these fundamental rights. We will also develop websites which should become a focal point for the campaigns mentioned before. And we will of course continue organizing the Big Brother Awards.
 - We will do our work in The Netherlands, but we will also make our voice heard at a European level. Where possible, we will work together with other digital rights organizations and through the European Digital Rights Initiative (EDRI).
 - We will again start sending our bi-weekly newsletter on 28 August. If you

haven't subscribed to the mailing list, you can do so on bof.nl. Our Twitter account is [bitsoffreedom](https://twitter.com/bitsoffreedom).

- We will have a full-time staff: check our newsletter for vacancies in the coming months. But we will also need your help: all your contributions, and I consider contributions in-kind to be just as important as financial contributions, are appreciated.

Conclusion: the promise of freedom

31. Before I conclude, let me say some words of thanks:

- I firstly would like to thank Sjoera Nas and Maurice Wessling and the former board of directors of Bits of Freedom for their work in the past years.
- I would also like to thank the Foundation Internet4All, whose significant financial grant puts Bits of Freedom in an ideal starting position for building a professional organization.
- Lastly, I would like to thank the current board of directors for preparing Bits of Freedom for the relaunch. My special thanks go to Joris van Hoboken, who looked after Bits of Freedom after the suspension of its activities in 2006 and played a pivotal role in setting up the new organization.

32. So digital technologies still carry within them a great promise. It is a promise of individual freedom and emancipation. It is a promise of creativity and imagination. It is a promise that each of us can live up to its full potential, without undue restriction or interference by government or corporations. Let us make sure that every individual can enjoy that freedom. Let's turn bits of freedom into megabytes of freedom.

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