

European Court of Justice: Data retention without cause remains prohibited

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With today's decisions, the European Court of Justice (ECJ) confirmed that data retention without cause (VDS) is not compatible with European law. Conflicting national laws on the surveillance of telecommunications and the Internet behavior of the population are therefore ineffective. The State Commissioner for Data Protection and Freedom of Information Baden-Württemberg Dr. Stefan Brink welcomes: "The judgment strengthens the rights of European citizens and protects them from disproportionate interference with their personal freedoms, which security politicians in particular are repeatedly demanding."

However, the ECJ relativizes its hitherto completely clear rejection of any data retention if it sees scope for such surveillance in the event of "concrete and serious threats to national security". LfDI Stefan Brink: "It is unfortunate that the ECJ is moving away from its crystal-clear statement 'No VDS' and thus rekindling a national debate about a 'situational VDS'. We need this debate as much as we need whooping cough, especially in times of Corona, when fundamental rights such as the right to informational self-determination are already coming under pressure."

Any unreasonable data retention is harmful, LfDI Brink continues: According to scientific analysis, it does not really benefit the security authorities - instead, millions of innocent citizens would be screened and spied on while surfing the Internet. "Law enforcement should target suspects - not everyone. The 450 million Europeans want to use modern means of communication such as the Internet without being monitored – and should be able to do so in the future without any worries!" concluded Brink.

The European Court had dealt with proceedings from France, Great Britain and Belgium and trimmed the data retention there.

If you have any questions, you can reach us on the telephone number 0711/615 541-23 and at pressestelle@lfdi.bwl.de.

Further information on data protection and freedom of information can be found on the Internet at www.baden-wuerttemberg.datenschutz.de or at www.datenschutz.de.

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