

"Transparency for the state! Privacy for the rest of us!"

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When something stops being an instrument for democracy and justice and becomes a slogan, that's when we have a problem. Look what they've done with 'Love', 'Peace', 'Democracy' and 'Justice'... [Español](#).



Picture from the performance "Delivery for Mr. Assange " by Bitnik. Photo supplied by author.

Introductory statement for the [FCForum 2015](#) - International Forum on the Internet and Democracy - organised by [Xnet](#)

When something stops being an instrument for democracy and justice and becomes a 'value' - a slogan - an end in and of itself, that's when we have a problem. Look what they've done with 'Love' and 'Peace', 'Union', 'Democracy' and 'Justice'...

Transparency and Privacy have become projectile weapons, in the hands of one propagandist or another, when "transparency" can be used to trap people who anonymously leak useful and relevant information, that has been hidden, or when people disobey unjust laws to effect change. Likewise when "privacy" is used to erase the crimes of bankers, politicians and large monopolies.

On the talk shows, they criminalise activists, quite naturally, because "they don't know who they are" while they defend institutional gangsters because, "politicians also have a right to privacy".

In the post-Snowden era, when we are asked what the limit is, we digital rights activists must provide a clear and unambiguous response: "Transparency for the State. Privacy for all of us".

Finding ourselves on such an uneven playing field between the *establishment*, with all of the resources necessary to continue perpetuating abuses, and the rest of the population, we must stand up for radical transparency. This means accountability and accessibility for the government, political parties, institutions, large family fortunes and both public

and private structures which have an impact on more than 10% of the population; and this means that while in power, they should not have the right to be “forgotten”.

And we must preserve a [radical respect](#) for the privacy and anonymity of all of the people or independent citizen groups that come together to solve problems.

We must stop dead in its tracks this demagogy, expertly disguised as sentimental technophobia, which tells us that we should all be identified and identifiable online for our own good, and, of course, for our own safety. If we allow this repressive breach in the virtual space to stay open, bringing it into the physical world will be only a step away.

At all times and in all places, crimes have been and must be prosecuted without undermining fundamental rights. [1]

No one in his or her right mind with even a rudimentary idea of history would demand that, when bringing a letter to the post office, we leave it open so postal workers, whenever they want and without any judicial order, can take a peek at what we’ve written, just in case we happen to be terrorists or paedophiles, or we simply express something that disagrees with an existing law.

Transparency & Participation

On the other hand, we don’t want to transform the transparency that we have defended as part of the 15M/Indignados movement into a moralist value that serves as simple window-dressing. The standard bearers of *Transparency & Participation* in this day and age like to announce collaborative programs, which may not actually be so, or are too few and poorly run; open lists that aren’t actually open, or are too open or too few; or transparent accounts that are impossible to decipher. It’s the power of propaganda against the power of intelligence and we already know who’ll win: the one who gets to write history.

“Transparency & Participation” are the new promises of Demagogy 3.0. This is what happens when a hypothetical project for radical change is snatched away from people who actually fight, from where they fight, and is transformed into a slogan with a copyright for an electoral brand with hegemonic plans for all of us. “Transparency & Participation” becomes “the Dictatorship of the Proletariat” of post-modernity.

“They” can’t be the guarantors of “Transparency & Participation”. We must build the foundations so that the commons can control them, just as it’s done in many online communities or as the Party X propose in its plan [“Democracy Full Stop”](#). “Transparency & Participation”, without a roadmap for co-responsibility, empowerment and leadership distributed among civil society, are just a show for the gallery.

We want transparency to continue being an effective tool for action and transformation, for real democracy.

For this reason, we need to ask ourselves not only how to build the foundations to access and liberate information, but also what to do with this information and who has to do something with it.

While we fight to create new institutions that do have these foundations, citizen leaks have repeatedly proven their [incalculable value](#) for dismantling the ecosystem of corruption that has allowed the continuity of the previous institutions.

On the human and the divine and what the press has to do with all that

By creating [15MpaRato](#), the complaint that moved the Bankia case forward, and, a year later, with the [leak of Blesa’s E-mails](#), the documents that brought to light the “Bankia Black Credit Cards” scandal that involved all the political parties and main trade unions in Spain, we’ve learned many things, one of them completely unexpected: it isn’t difficult to indict bankers and politicians; what’s difficult is to let the public know that it wasn’t brought on by their equals, but by normal, everyday people.

Not the press, not the political parties, not the judges or even the different governments have been willing to tell this story and recognise that anyone can do it. None of them want to lose that divine aura, none of them want to recognise that, without the multitude of people who have taken action, none of this would be happening. And this is the way things stand, even after 15M dragged it all out into the open.

As ordinary citizens, being a part of the Bankia prosecution, we discovered just how much of an effort was required to obtain a simple report, or for a piece of evidence to be accepted by the court, or for one testimony to be taken into consideration by the press and not co-opted by the political parties. The turn that has taken place against corruption since 15M has come about because there are more and more citizens who are taking up the banner, who are up for a fight, who can get that report issued, that can get the evidence admitted or can disseminate a testimony; and we're not alone. We are networks with lots of support. When one falls, we know that someone else will help take up the baton.

Even so, the media often say things like: "A report from the CNMV (National Commission of the Stock Market), which this paper has had access to, says that..."

The image that a sentence like this gives us of the CNMV, (who are such *wonderful* people!), is that from morning till night they diligently work on reports, and, later, these reports simply fall from the heavens into some gloomy forest where, by coincidence, a random newspaper editor happened to be passing by and...

In our humble experience, these reports are produced only when they have no other option left, when you've got them against the ropes, and they can't dodge you anymore. They dropped Rodrigo Rato [future prime minister that we have brought to trial] like ballast only after two years of presenting overwhelming evidence against him. And the press gets access because someone wants them to, from one side or another.

The Monopoly of the Truth that has been in force until now is the Trinity of the Media, the Government & the Parties. Amongst them, there is a tacit agreement to ignore anything outside of the triangle that might have an effect on history.

In reality, the Trinity is more interested in keeping everything the way it is than anyone else.

That said, there are still hundreds of journalists who believe in the social role of their profession, who investigate and who know how important it is to cooperate with an active citizenry. With these people, we must draw up a new collaborative contract that will allow us to write history ourselves the way we are making it, together.

By cooperating, we can deconstruct the fairy tale that tries to keep us passive. It's not only for dignity and historical memory; it's also to give wings to the new model, the one that is changing things. The more we know, the more we will grow, and the more we are, the more successful we'll be.

This is urgent. Because, as always, when the system finds itself in a corner, it writes freedom-smothering laws to protect the *status quo*. From Wikileaks to Snowden, from Annie Machon to Falciani, Gürtel, Pujol or the Púnica to Blesa's e-mails and the Bárcenas Papers, citizen leaks have gained a foothold in the media and have unravelled state conspiracies active for more than 30 years. And the response has been quick: the "Torquemada" Spanish law or the surveillance systems hidden within the apparently innocuous Spanish Law of Cinema [2], and, in Europe with the [Trade Secrets Directive project](#) a push for a new judicial doctrine by which, in the name of the economic recovery – as an excuse it never gets old – any revelations that might have an effect on the secrets of a private business have been criminalised. Just look at all the previously mentioned cases related to government financial corruption, Falciani, Gürtel, the Pujol case or the Púnica and even Blesa's E-mails and the Bárcenas papers wouldn't be admissible in court while the ones who denounced them would be treated as criminals. *Et voilà!*

What it's really all about is establishing an alliance between information professionals and citizens who have decided to bring to light the necessary information, mutually recognising each other's efforts and common responsibilities, with the intention of bringing down surveillance and censure laws; defending leaks and

whistleblowers and, at the same time, providing each other with a means of protection against the controls and restrictions placed on the freedoms of expression and action.

The goal is to become an empowered civil society that can freely access information and utilise this information to watch over its own institutions.

Some call this Democracy.

The paradox of anonymity and recognition

This is why it's so important for us to fight for the protection of sources and to fight so that the press, governments, institutions and political parties recognise this protection.

Maintaining our privacy and being recognised are not opposing ideas. The Zapatistas explained it quite well when they said, "We hide our faces to be seen".

It isn't important to know exactly who acts, but it is important to know that, on all sides, there are people who take an active role in situations where institutions aren't performing their duties. And if there isn't one acting now, maybe there will eventually be one. Everyone should have the right, the possibility to denounce abuses without suffering from reprisals, even if they never exercise that right. There should be no exceptions, no hidden dangers or persecutions, nor should the lives and privacy of the people be destroyed.

This should be established and protected in a state based on the rule of law. Once again, demanding legal protection of our information should not lead us to blame technology. Respect is a question of politics, and of laws and freedoms, as it has always been, before and since the advent of the Internet.

The circulation of information can be used to our benefit, and against it.

On the fifth year of the era of the 15M/Indignados movement, we know that we are advancing, defending and making collective and implacable use of our right to know and to inform, to be seen and to be recognised without fear of persecution, and to defend these rights, we're getting organised.

Notes:

[1] "Invasive surveillance, as well as the collection and storage of personal data derived from digital communication -if it is part of targeted or massive surveillance programs-, not only may it violate the right to privacy, but also a range of other fundamental rights."

The report of the UN High Commissioner for Human Rights, available [here](#).

[2] In the Film Law "more than 1 million euros will be used for listening systems in "hostile environments "and another 4 million to geolocation via cell phones"