



Data Retention Matrix Workshop


Data Protection Function

20 March 2018
Europol Headquarters, The Hague

Agenda

Recap: Concept of 'restricted data retention and targeted data access'

EC3 and EU-IRU intervention

'Tour de table' in order to share MS views

Confidentiality issues

The handwork ahead: How to create the matrix?

The 'what if' scenarios – are we bound to fail?

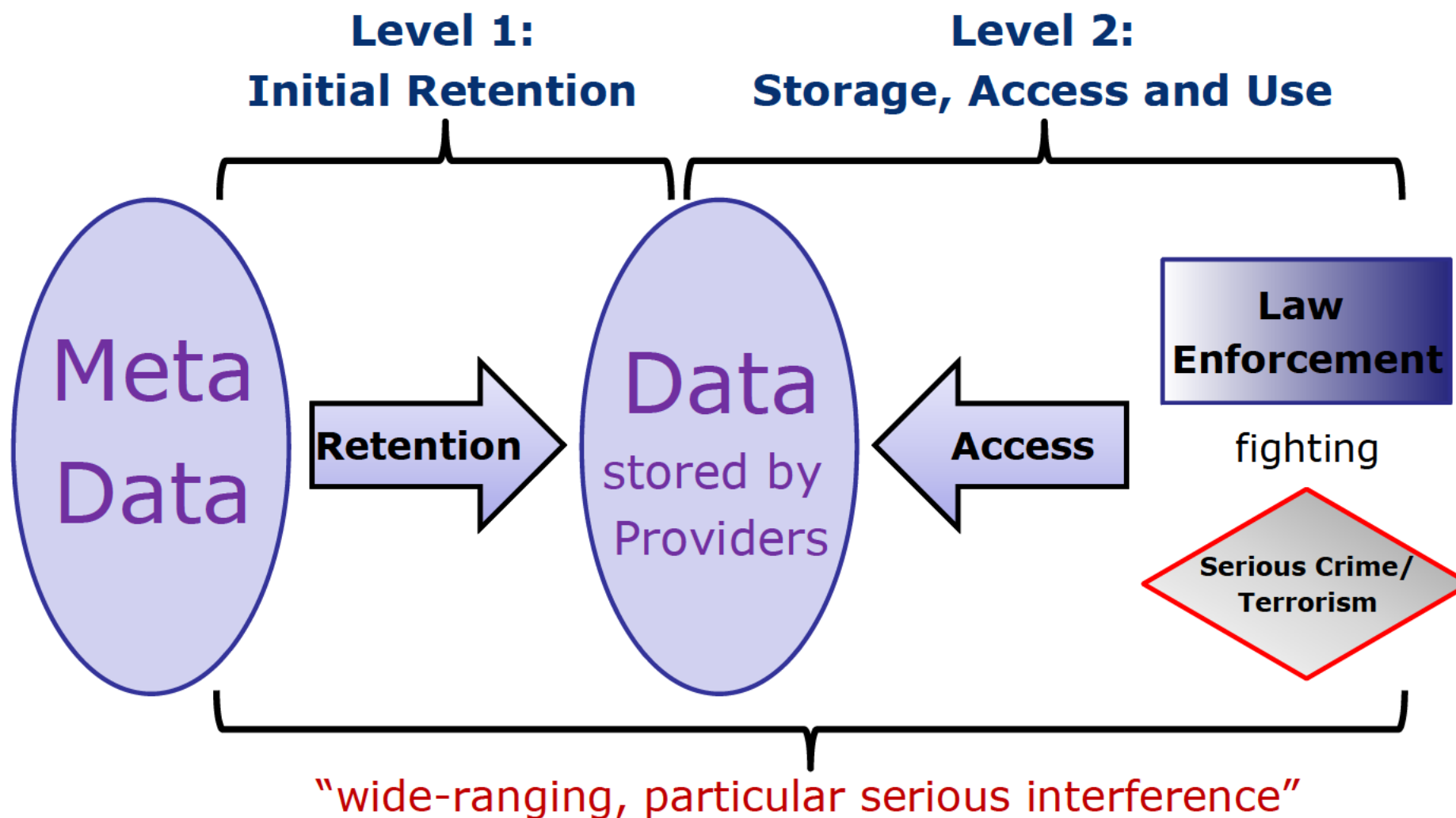
The mid- and long-term perspective

The forgotten part of 'Digital Rights'

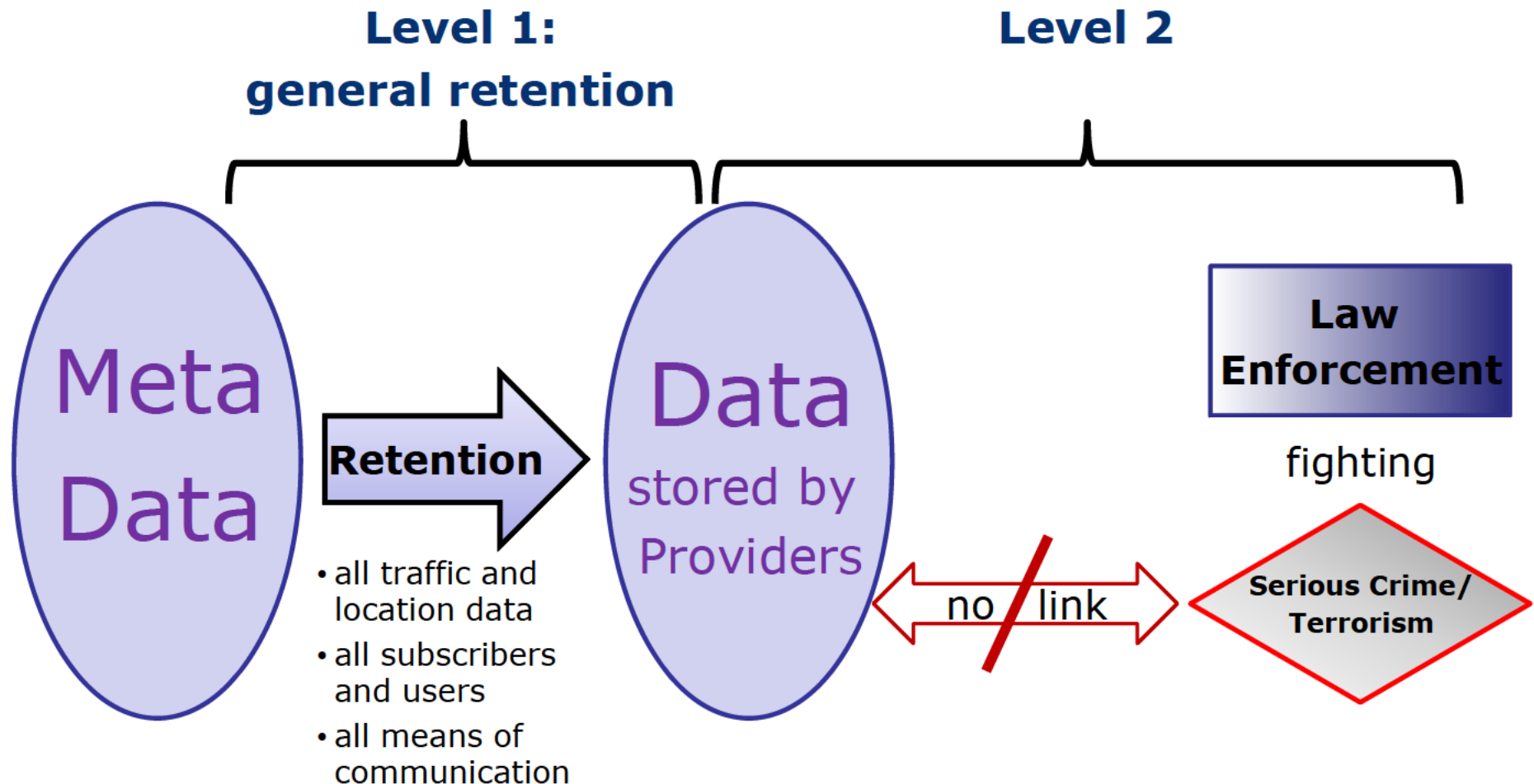
"(...) the fight against international terrorism in order to maintain international peace and security constitutes an objective of general interest. (...) Article 6 of the Charter lays down the right of any person not only to liberty, but also to security. (...) It must therefore be held that the retention of data for the purpose of allowing the competent national authorities to have possible access to those data (...) genuinely satisfies an objective of general interest."

Very similar more recently in PNR Canada!

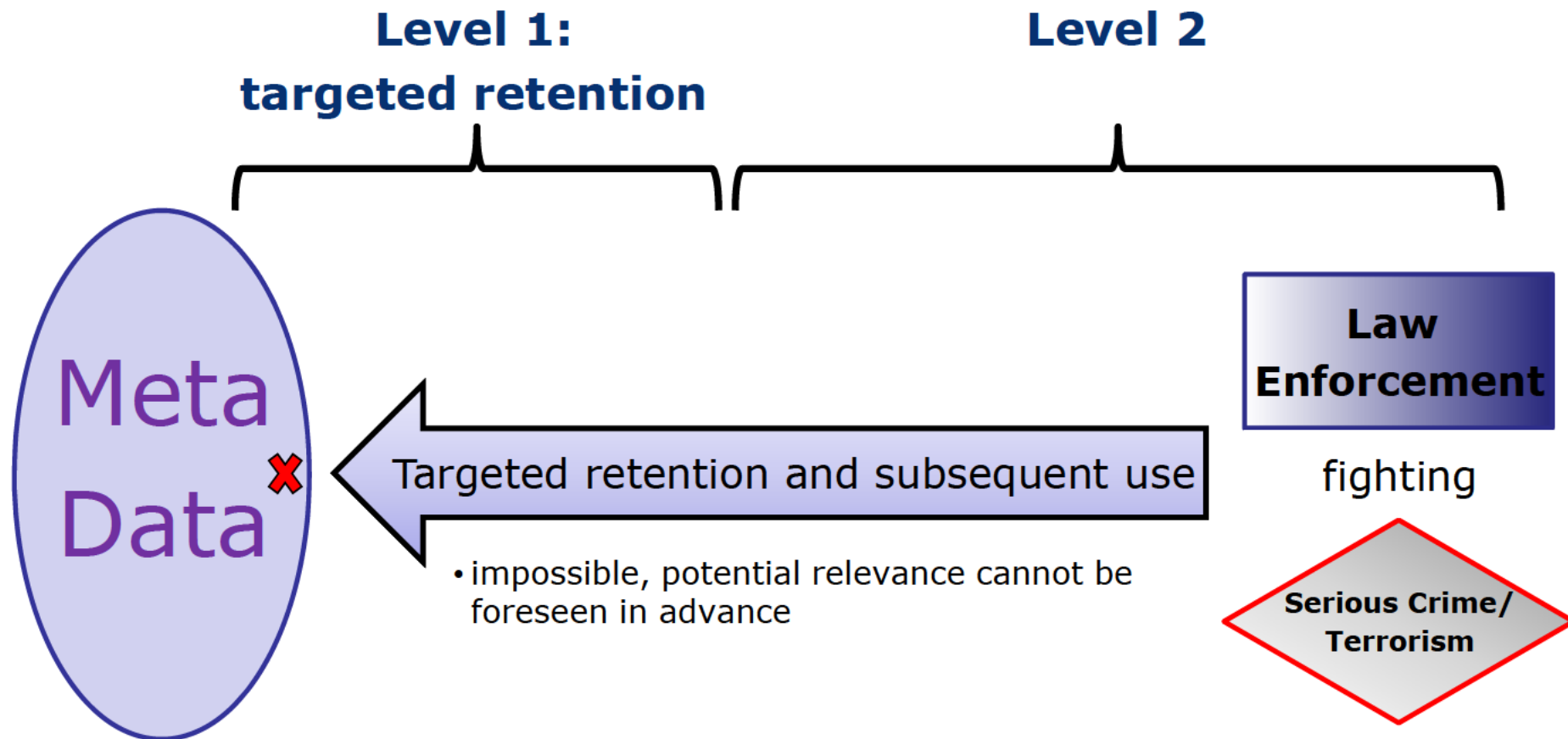
Interference Levels



Clearly non-compliant with Charter



Clearly compliant with Charter – but not fit for LE reality



Restricted data retention and targeted data access

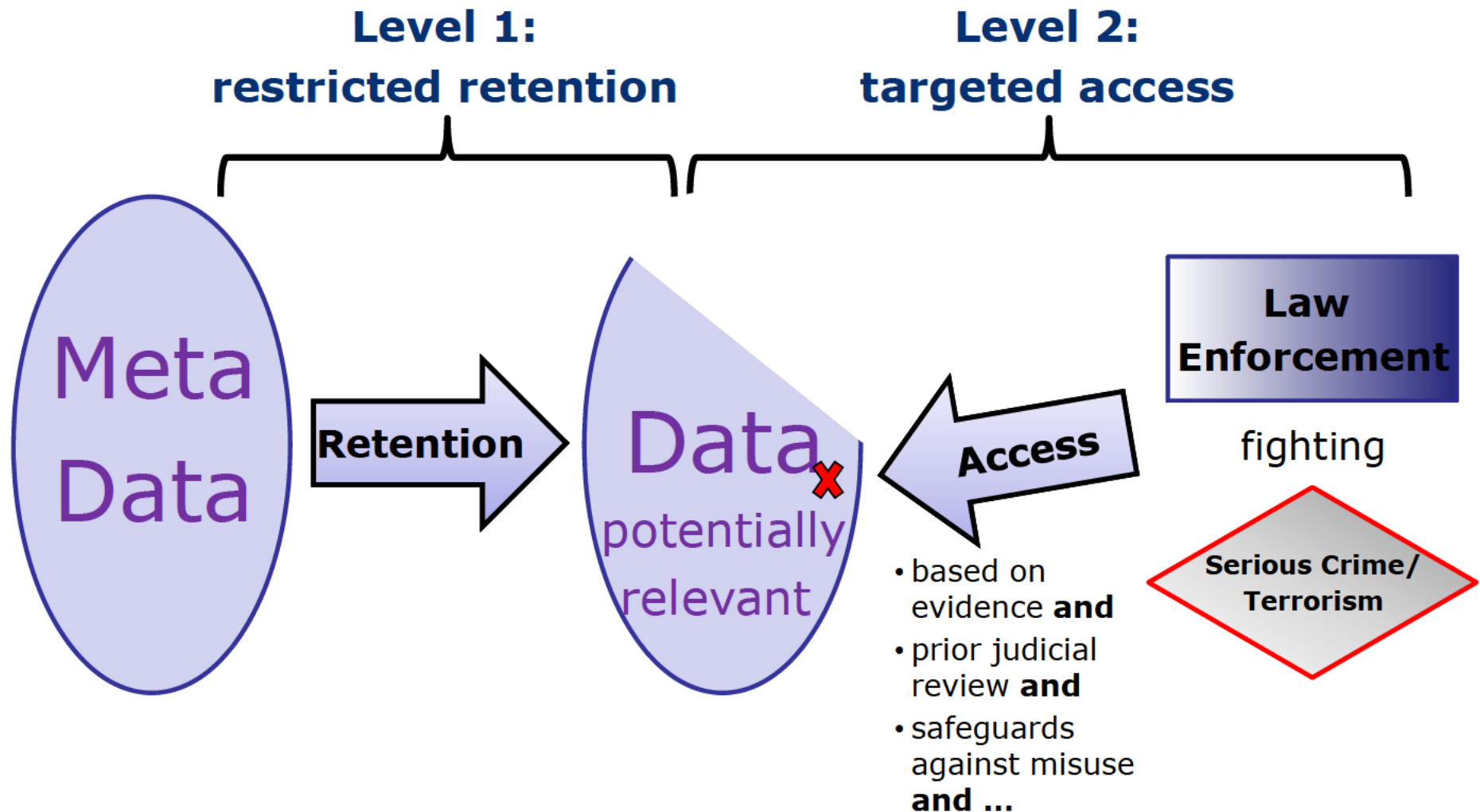
Level 1:

- Not only targeted data retention, but also restricted data retention is compliant with the Charter according to *Digital Rights and Tele2*.

Level 2:

- Access to metadata must be targeted according to *Digital Rights and Tele2*.

Compliant with Charter – and fit for LE reality!



Role of Europol vs. role of MS

Europol is encouraged to facilitate preparatory works for the related data matrix in close cooperation with experts from the Member States with a view to further examination in DAPIX –FoP

JHA Council 7 December 2017

What is the data matrix supposed to be?



Idea is to start from broadest possible technical standards allowing for complete visibility of which data is technically being retained

Current idea is to match the operational business needs against such most comprehensive technical standards of retained data.

Better visibility on fact that LE is, indeed, not advocating the general or indiscriminate retention of any available information but is making best effort to draw the link to what is strictly necessary in order to prevent and combat serious crime and terrorism.

Focus should be on what would NOT be absolutely essential for the fights against serious crime and terrorism.

Any item which can reasonably be excluded from the list of data categories that are absolutely necessary will be crucial in the difficult discussions to come.

EDOC-#945149-v3-Data_retention_matrix_-_preparatory_work (2).XLSX [Read-Only] - Microsoft Excel

File Home Insert Page Layout Formulas Data Review View DM

Clipboard Font Alignment Number Styles Cells

Calibri 11 A A Wrap Text General Normal Bad Good Neutral Calculation Check Cell Explanatory... Input Insert Delete Form

Click to add data

EC3
EU IRU

3.1. Multimedia Subscriber		Strictly required		
3.1.1. MultimediaSubscriber parameters		Yes	Maybe	No
subscriberID	A unique identifier for this particular subscriber	X		
genericSubscriberInfo	General personal information	X		
multimediaSubscriberInf	Service specific information about the subscriber	XR		
subscribedMultimedia Services	List of services details that a subscriber (or account) may have	see 3.1.2		
multimediaService RegistrationInfo	Information on registration activity	see 3.1.3		
3.1.2. SubscribedMultimediaService parameters		Yes	Maybe	No
serviceID	A unique identifier within the operator for the service or tariff subscribed to	X		
providerID	A unique identifier for the service provider. The format of this field is to be determined by national agreement	X		
timeSpan	Time over which the subscription was held. If the subscription is active, the endTime shall not be populated			X
registeredIdentifiers	The multimedia identifiers(s) assigned to the subscriber as part of this subscription, if applicable	XR		
registeredICCID	Integrated Circuit Card ID (ICCID) number of the subscriber, in ASCII format	X		
serviceType	The type of service subscribed to	X		
installationAddress	The installation address for the subscriber's equipment, if applicable	X		
connectionDate	Date that the subscription was actually connected (may be different to the start of the subscription)	X		
iMSI	IMSI associated with the subscriber	X		
carrierPreselect	Flag to indicate that the subscriber has carrier			X
lineStatus	CSP-specific description of current line or subscription status e.g. "Active", "Suspended", etc.	X		
nationalMultimedia Services To revise	Defined on a national basis			
paymentDetails	Details for payment (e.g. associated bank account,	X		

SERVICES CATEGORIES (draft)

Data Matrix Template is a draft!

We are seeking your input as

THE EXPERTS

on whether the template could be improved –
and on whether the exercise could work at all....

Potential for failure?

Outcome may depend on crime area – consolidated matrix printed on transparent sheets may provide 'different shades of grey or black'.

If even based on very granular data standards no categories can reasonably be excluded:

Certainly not the result we were hoping for - however, still important.

It shows that law enforcement is at least making tangible effort to live up to the proportionality principle

It may mean that this principle can in reality only be implemented at 'interference level' 2, i.e. 'targeted data access'

Bound to fail? To the contrary: Nothing to lose - we can only win!



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Prep for the workshop

The screenshot displays the EDEN (Europol Data Protection Experts Network) website. The browser address bar shows the URL <https://epe.europol.europa.eu/group/data-retention>. The website header includes the Europol logo and the text "EDEN - EUROPOL DATA PROTECTION EXPERTS NETWORK". A sidebar on the left lists navigation options: Home, News, Wiki, Media Gallery, Message Forum, Blog, User Directory, Private Messaging, and DPO Corner. The main content area is titled "State of play on Data Retention" and contains the following text:

Dear EDEN members!

Welcome to our new closed-user subsite on the data retention. The aim of this new platform is to give visibility to the current state of play: in its meeting of 7-8 December 2017, the Council concluded the debate on "Data retention: Retention of electronic communication data" with a commitment to exploring a two-level approach of a *restricted data retention* (first level interference) and a *targeted access* to retained data (second level interference).

Europol is requested to facilitate preparatory works for the development of a **matrix** of data categories and sub-categories (pertaining to telephony, cyber investigations, digital forensic etc.) to be retained in the context of online investigations of terrorism and serious and organised crime.

To this end, Europol would like to open further discussions on which categories are **strictly necessary** for Law Enforcement purposes, while excluding all categories that are not absolutely essential.

Access to this subpage is restricted to Law Enforcement and manually granted.

Below the text, there are sections for "Activities" (stating "There are no recent activities.") and "Blogs Aggregator" (stating "There are no blogs."). On the right side of the page, there is a calendar for 09/02/18, a "CALENDAR" button, and a "TAG CLOUD" section (stating "There are no tags."). The footer of the website indicates "EPE 3.6-0.7.1 | Terms and Conditions".

Mid- and long-term vision

EN English (United Kingdom) Help

https://epe.europol.europa.eu/group/eden

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Data Retention

DPO Corner

EDEN-ERA Conference '1984 UNPLUGGED'

Dear EDEN members!

Next November, Europol's Data Protection Function will be honoured to host its second EDEN Conference titled **1984 UNPLUGGED - how to fight serious crime and terrorism while defending European values**. This event is going to be organised jointly with the Academy of European Law (ERA) and will take place at Europol Headquarters in The Hague on **22/23 November 2018**.


1984 UNPLUGGED intent to put together Law Enforcement and other security authorities with representatives from NGOs and academia in order to draw the links between security and the impact the new technologies have on fundamental rights. Particular focus will be on the right to data protection and privacy, as well as on government hacking, investigations into the Darknet, data retention and new surveillance techniques building on the Internet of Things (IoT) or Internet of Bodies (IoB).

Over recent years Europol has been praised for the quality of its data protection principles and practice by "great bastions of data protection interests such as Giovanni Buttarelli, the European Data Protection Supervisor, members of the European Parliament and senior representatives from the NGO Statewatch. Being seen as a champion of people's privacy rights is not the norm for those in the police and intelligence world", as [recently](#) enlightened by our Executive Director. It is also a huge responsibility as we need to live up to these high expectations.

We are open for your suggestions on how to best address this theme and would welcome you, as an expert and member of EDEN, to this event. Your expertise could contribute to enhancing both, freedom and security, and we would be honoured to welcome you in The Hague in order to join the conference. We are proud to announce that MEP Jan Philipp Albrecht has already accepted our invitation to join the conference and we are very much looking forward to many more exciting speakers who are willing to share their views.

In the meanwhile, please find go to our [Hot Topic Blog](#) for the latest articles on Data Protection, our [Library](#) database, where you can find legal documents and relevant contributions on the matter. Finally, don't forget to click on our interactive [magazine](#) for an intuitive overview on the Data Protection regime at Europol.

Visit our Hot Topic Blog!

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15:11
09/02/2018

EDEN – Data Matrix handling

DISCLAIMER on EDEN: *Please note that EDEN is not suitable for the exchange of operational data. The purpose of the Matrix we propose is to further discussions about Data Retention. Therefore, we kindly invite you not to disseminate the filled excel sheet via this platform.*

Data Retention Matrix -> Clearly sensitive

- CLASSIFIED?

- Proposal is to disseminate the filled-in data matrix template only via the Europol National Units using SIENA