



ANNUAL REPORT 2013

Privacy First Foundation
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Table of contents

1.	Introduction	1
2.	Policy pillars	1
2.1	Passport Trial by Privacy First.....	1
2.2	Introduction of new ID cards without fingerprints	2
2.3	Lawsuit by Privacy First and others against illegal data espionage.....	3
2.4	Automatic Number Plate Recognition (ANPR)	5
2.5	Number plate parking	5
2.6	Highway section controls	6
2.7	Public transport chip cards.....	6
2.8	Drones	8
2.9	Taser weapons.....	8
2.10	Biometric immigrant database.....	9
3.	Political lobbying	9
3.1	Locally	9
3.2	Nationally	9
3.3	Internationally	10
4.	Communication	10
4.1	Mass media	10
4.2	Individual citizens	14
4.3	Internet.....	14
5.	Events	15
6.	Organization	18
7.	Finances	18

1. Introduction

Privacy constitutes the basis of our democratic constitutional State. However, of all human rights in the Netherlands, the right to privacy finds itself under the most pressure. This observation was the reason for Privacy First to be founded in March 2009. Ever since, retaining and reinforcing everyone's right to privacy is what the Privacy First Foundation has been striving for on a daily basis. Partly due to the efforts of Privacy First, in recent years large scale privacy violations have either been brought to a halt or have been prevented, privacy awareness in Dutch society has increased and ever more privacy friendly initiatives see the light of day. Think of the discontinuation of the central storage of fingerprints under the Dutch Passport Act, the introduction of Dutch ID cards without fingerprints, compulsory Privacy Impact Assessments and 'privacy by design' as part of new Dutch legislation. In 2013 this positive turn-around continued. However, there have been less positive developments as well. We are keen to elucidate on this below.

2. Policy pillars

Since 2009, Privacy First's main area of work is biometrics: recognizing people by their physical attributes, for example fingerprints and facial scans. Other areas Privacy First has structurally been focusing on over the past few years are camera surveillance, public transport chip cards, medical privacy and profiling. In 2013 we added the theme "privacy and secret services" to this list, as well as "privacy and mobility" which relates for example to number plate parking, Automatic Number Plate Recognition (ANPR) and highway section controls.

2.1 Passport Trial by Privacy First

In May 2010, Privacy First issued a subpoena against the Dutch government (Ministry of Home Affairs) together with 22 co-plaintiffs (citizens) because of the central storage of fingerprints under the new Dutch Passport Act. Such storage had mainly been intended to prevent small-scale identity fraud with Dutch passports (look-alike fraud), but was also to be used for criminal investigation purposes, counter-terrorism, disaster control, intelligence work, etc. This formed a flagrant breach of everyone's right to privacy. In a so-called 'action of general interest' (art. 3:305a of the Dutch Civil Code), Privacy First has confronted the district court of The Hague with the provisions we wished to challenge and requested the judges to declare these provisions unlawful on account of incompatibility with European privacy law.

However, in February 2011 the Hague district court declared our Passport Trial inadmissible. Therefore the judges didn't address the merits of the case. Privacy First immediately appealed the inadmissibility. Partly due to the pressure exerted by this lawsuit, the Dutch House of Representatives and the Dutch Minister of Home Affairs Piet-Hein Donner changed their minds after all and the central storage

of fingerprints was almost entirely brought to a halt in the summer of 2011. It then took another two years before our Passport Trial came to its long-awaited conclusion with a ground-breaking judgment by the Hague Court of Appeal on 18 February 2014. The Court of Appeal declared Privacy First admissible after all and judged that the central storage of fingerprints was unlawful because it was contrary to the right to privacy. Therefore it seems that centralised storage of fingerprints under the Dutch Passport Act has been shelved once and for all. This has been a massive victory for Privacy First and for all the citizens who have opposed the central storage of fingerprints in recent years. The judgment by the Hague Court of Appeal paves the way for Privacy First (and other Dutch civil society organizations) to continue to be able to litigate in the general interest and to preserve and promote the right to privacy as well as other human rights.

At the end of April 2014 the new Dutch Minister of Home Affairs Ronald Plasterk announced that the Dutch government would appeal the judgment before the Dutch Supreme Court. Privacy First is confident the Supreme Court will uphold the current judgment and calls on everyone to support our appeal procedure by making a donation!



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Passport Trial by Privacy First, Palace of Justice, The Hague

2.2 Introduction of new ID cards without fingerprints

The new Dutch Passport Act of June 2009 made it compulsory for every Dutch citizen from the age of 12 upwards to give his or her fingerprints for a new Dutch passport or ID card. These fingerprints would be stored in Dutch municipal (later to become national) databases for all sorts of purposes and would also be saved on a RFID-chip which could be read from a distance. Subsequent research by Privacy First pointed out that look-alike fraud with Dutch travel documents – which was the main problem to be addressed by this measure – was such a minor issue, that the taking of everyone’s fingerprints was entirely disproportionate and therefore unlawful. Moreover, there appeared to be an enormous margin of error in the

technology (biometric verification): when asked about it, the Dutch Minister of Home Affairs, Piet-Hein Donner, mentioned a margin of error of 21-25% to the House of Representatives. Subsequently the Dutch State Secretary of Justice, Fred Teeven, estimated this margin to be even 30%. It is therefore no surprise that in recent years thousands of Dutch citizens have, for varying privacy and conscientious objections, refused to have their fingerprints taken for a new passport or ID card. However, in so doing these citizens have gotten themselves in big trouble in society: without a valid ID you won't get a new employment contract, no new house, no public benefits, no higher education, etc. For these reasons Privacy First has structurally been pushing for an ID card without fingerprints (in line with the exception for ID cards in the European Passport Regulation). Partly in response to this, in September 2012 the Dutch Minister of Home Affairs, Ronald Plasterk, announced the introduction of ID cards without fingerprints from January 2014 onwards. As of 20 January 2014, these "fingerprint-free ID cards" have become a reality and Privacy First had successfully fulfilled its mission. Our next goal is the annulment of the compulsory taking of fingerprints for passports. This will have to be dealt with at the European level (EU Passport Regulation). Privacy First will continue to push for this both with the responsible Dutch minister as well as with the House of Representatives. Regarding this very theme, there are a number of interesting cases of individual citizens that are still ongoing before the Dutch Council of State and the European Court of Justice.



2.3 Lawsuit by Privacy First and others against illegal data espionage

By now basically everyone is aware of the far-reaching eavesdropping practices by the American National Security Agency (NSA). For years the NSA has been eavesdropping in absolute secrecy on millions of people around the world, varying from ordinary citizens to journalists, politicians, lawyers, judges, scientists, CEOs, diplomats and even presidents and heads of State. In doing so, the NSA has completely ignored territorial borders and laws in other countries, as we have learned from the revelations by Edward Snowden in the PRISM scandal. Instead of calling the Americans to order, secret services in other countries appear to be all too eager to make use of the intelligence that the NSA has unlawfully obtained. In this way national, European and international legislation that should safeguard citizens against such practices is being violated in two ways: on the one hand by foreign secret services such as the NSA that collect intelligence unlawfully, and

on the other hand by secret services in other countries that subsequently use this same intelligence. This constitutes an immediate threat to everyone's privacy and to the proper functioning of every democratic constitutional State. This is also the case in the Netherlands, where neither the national Parliament nor the responsible minister (Mr. Ronald Plasterk, Home Affairs) has so far taken appropriate action. This cannot continue any longer. Therefore, at the end of 2013, a national coalition of Dutch citizens and organizations (including Privacy First) has decided to take the Dutch government to court and demand that the inflow and use of illegal foreign intelligence on Dutch soil is instantly brought to a halt. Moreover, anyone on whom such intelligence has been collected should be notified about this and the data in question should be deleted.



Apart from Privacy First, the coalition of plaintiff parties consists of the following organizations and citizens:

- The Dutch Association of Criminal Defence Lawyers (*Nederlandse Vereniging van Strafrechtadvocaten*, NVSA)
- The Dutch Association of Journalists (*Nederlandse Vereniging van Journalisten*, NVJ)
- The Dutch chapter of the Internet Society (ISOC.nl)
- Jeroen van Beek
- Rop Gonggrijp
- Bart Nooitgedagt (represented by the NVSA)
- Brenno de Winter (represented by the NVJ)
- Matthieu Paapst (represented by ISOC.nl).

These legal proceedings by the Privacy First Foundation primarily serve the general interest and aim to restore the right to privacy of every citizen in the Netherlands. The lawsuit is conducted by bureau Brandeis; this law firm also represents Privacy First in our Passport Trial against the Dutch government. The pressure of this new lawsuit has already resulted in a number of positive developments: Minister Plasterk barely survived a motion of no confidence in the House of Representatives after it appeared he had misinformed the House on a number of issues. In this respect, the lawsuit does not merely serve the interest of the privacy of Dutch citizens, but also democracy and the principles of open government. Privacy First is confident that this case will bring about more positive results and that the district court of The Hague will rule in our favour.

2.4 Automatic Number Plate Recognition (ANPR)

Dutch Minister of 'Security' and Justice Ivo Opstelten wants to store the number plates of all motorists (in other words all travel movements) on Dutch highways for four weeks through camera surveillance for criminal investigation purposes. To this end he submitted a legislative proposal to the Dutch House of Representatives in February 2013. Current rules dictate that the ANPR data of innocent citizens have to be deleted within 24 hours. The previous Dutch Minister of Justice (Hirsch Ballin) planned to make a similar proposal with a storage period of 10 days. In his current proposal, Opstelten thus intends to take things a few steps further. At the beginning of 2010 the Dutch Data Protection Authority (*College Bescherming Persoonsgegevens*, CBP) ruled that police forces were not adhering to Dutch privacy rules by storing number plates for a greater period than was legally permitted. According to the CBP, all number plates that are not suspect (so-called 'no-hits') are to be removed from relevant databases immediately. Opstelten's plan to also store the number plates of unsuspected citizens for four weeks directly flies in the face of this. This constitutes a blatant violation of the right to privacy of every motorist.

It is the established policy of Privacy First to challenge massive privacy violations before a court and the legislative proposal about ANPR is no exception. Over the last few years Privacy First has notified this to relevant members of Parliament as well as to the Minister and his officials. A meeting about this topic in the summer of 2013 between, among others, Privacy First and the Minister, was not enough to change the latter's mind. ([Read](#) (in Dutch) the questions that Privacy First put forward on that occasion, but which have thus far remained unanswered.)

In case Parliament accepts this legislative proposal, Privacy First will summon the Dutch government and have the law declared invalid on account of being in violation with the right to privacy. In case necessary Privacy First and individual co-plaintiffs are prepared to continue this lawsuit all the way up to the European Court of Human Rights in Strasbourg.



2.5 Number plate parking

As a free citizen you have the right to travel anonymously within your own country. Hence, this also means having the right to park your car anonymously. You also have the right to use any legal tender that offers anonymity, for example cash money. However, an ever larger number of Dutch municipalities violate both these rights: in case of number plate parking it is compulsory to enter your number plate number and generally, you can only pay electronically (and thus identifiably). For example in Amsterdam, where number plate parking has come into force on 1 July 2013. The Amsterdam municipality promised on its website that number plate

information would only be used for parking purposes and would be deleted after 24 hours. This, however, turned out not to be true: parking information was being stored for no less than 7 years and could be shared with other authorities, for instance the Dutch tax authorities.

Privacy First launched a large campaign offering model protest letters that citizens could send to the mayor of Amsterdam and the local parking administrator Cition. Innumerable citizens successfully gave heed to this call: after a short while the municipality of Amsterdam decided to

delete all the parking data and henceforth to only save data of those guilty of illegal parking, with the view of possible objection and appeal. However, for Privacy First these concessions are insufficient: as long as number plate



parking isn't replaced by a privacy-friendly alternative (for example the introduction of parking space numbers), Privacy First will continue to resist it with all legal means available. It does so in court through an objection and appeal procedure initiated by our chairman Bas Filippini. In his lawsuit revolving around an unjustified fine, several privacy objections against number plate parking are fundamentally addressed. This lawsuit is expected to take place before the district court of Amsterdam midway through 2014. Privacy First is considering taking comparable legal action against other Dutch municipalities where number plate parking is about to be introduced, for example Rotterdam.

2.6 Highway section controls

Another policy pillar of Privacy First within the domain of privacy and mobility relates to so-called highway section controls (*'trajectcontroles'*): measuring the average speed of individual motorists on a specific section of a Dutch highway. This occurs with the help of camera surveillance and ANPR, albeit without a legal basis with specific privacy guarantees put in place. The lack of such a legal basis is in breach of the European right to privacy (art. 8 ECHR). These highway section controls also give rise to a number of other fundamental privacy questions. A lawsuit about this by our chairman is expected to take place before the district court of Utrecht midway through 2014.

2.7 Public transport chip cards

In April 2013 Privacy First, in cooperation with Dutch newspaper *NRC Next*, carried out an investigation into the anonymous public transport chip card (Dutch '*OV-chipkaart*'). This investigation has brought to light that the travel data of "anonymous" OV chip cards can easily and inconspicuously be accessed by third parties. A few months before the investigation we submitted our main points of view with regard to the OV chip card to the Dutch House of Representatives and

the responsible State Secretary. In 2014 this letter is still as up to date and urgent as when it was written. We therefore integrally publish its contents once more:

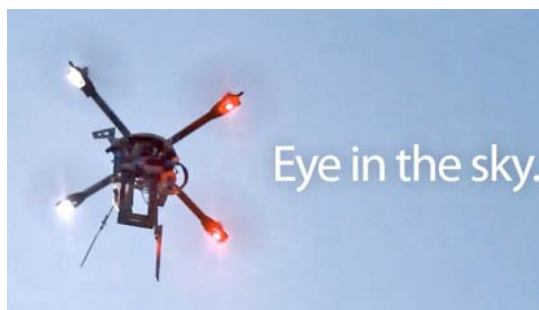
1. The 'anonymous' OV chip card is not anonymous, because it contains a unique identification number in its Radio Frequency Identification (RFID)-chip with which travellers can be identified and tracked afterwards through the linking of transaction data. In the view of Privacy First, this constitutes a violation of two human rights, namely the freedom of movement in conjunction with the right to privacy, in other words the classic right to travel freely and anonymously within one's own country. Privacy First is eager to learn from the House of Representatives as well as the responsible State Secretary which steps have already been taken for the introduction of an anonymous OV chip card that is truly anonymous, for example through the development of new chip technology and modern forms of encryption without a unique identification number (privacy by design).
2. As long as (truly) anonymous OV chip cards and anonymous discount cards do not exist, printed travel tickets are to remain available for travellers who want to travel anonymously. Moreover, a special, anonymous discount card for children and elderly people should also be introduced.
3. Compulsory check-ins and check-outs for students carrying student OV chip cards constitute a violation of the right of students to travel freely and anonymously. Compulsory check-ins and check-outs therefore have to be abolished.
4. The planned closure of turnstiles at Dutch National Railway stations constitutes an unnecessary restriction to people's freedom of movement and can lead to dangerous situations in the event of calamities. It also creates unsafe situations in individual cases, for example for children, elderly people, ill or incapacitated people who need to be accompanied through the station by family or friends. Therefore Privacy First makes an urgent appeal to leave the turnstiles open at all times or to get rid of them and replace them with anonymous check-in and check-out poles.
5. The current retention period of OV chip card data should be reduced to an absolute minimum. Moreover, travellers should be offered the option to erase their travel history at any given moment.
6. The OV chip card dramatically increases costs for travellers, either when purchasing a chip card, when forgetting to check out, in the event of a malfunctioning card or check-out pole or when deciding to travel anonymously with a printed ticket.



Privacy First is eager to hear from the House of Representatives as well as the responsible State Secretary which measures will be taken to make travelling with an OV chip card cheaper while preserving people's privacy.

2.8 Drones

As is the case for highway section controls, the current use of drones in the Netherlands lacks a specific legal basis with privacy guarantees which comply to European privacy laws. Until the moment a thorough democratic debate has taken place and proper Dutch legislation has been introduced, the use of drones – either by the Dutch government (municipalities, police, Royal Netherlands Marechaussee, etc.) or by individuals and companies – can be deemed unlawful. This in any case applies to the illegal use of drones by the Dutch police, something that emerged at the start of 2013. In the media Privacy First called for a complete moratorium, e.g. a temporary ban on the use of drones, as long as a specific legislative framework that meets the highest privacy standards is not put in place. The use of drones for the surveillance and monitoring of (parts of) the population is to be outlawed by definition. In the view of Privacy First, drones should only be used when all other available means prove insufficient, for example when tracking down very serious crimes or for disaster management. Privacy First reserves the right to enforce these views in court.



2.9 Taser weapons

In September 2012 it became known that Dutch Minister Opstelten was willing to equip the entire Dutch police force with Taser (electroshock) weapons. The use of Taser weapons can easily lead to violations of the international ban on torture (by the government) and the related right to physical integrity (which is part of the right to privacy). Taser weapons lower the threshold for police violence and hardly leave behind any scars. At the same time they can inflict serious physical damage and mental harm. In conjunction with the current lack of firearms training for Dutch police officers, this produces serious risks for the Dutch population. As a party to the United Nations Convention against Torture, the Netherlands is to refrain from introducing any measure or practice that can lead to torture. Periodically, every country that has ratified the Convention is examined by the supervisory treaty body in Geneva: the UN Committee against Torture (CAT). In 2013 it was the Netherlands' turn to be reviewed. This was reason for Privacy First to put Taser weapons on the agenda of the UN Committee in April 2013, prior to the Netherlands being cross-examined by the Committee on various issues. At the end of May the Committee expressed its concerns over the plans of Minister Opstelten and urged the Dutch government not to equip the entire police force with Taser weapons. According to the Committee, Tasers should only be used in exceptional circumstances and under strict conditions. You can [read more](#) about this on our website. Privacy First expects that in future decision making, the Dutch government

will be guided by the recommendations of the Committee.



2.10 Biometric immigrant database

Whereas in recent years the large scale taking and storage of fingerprints under the Dutch Passport Act has been significantly contained for Dutch citizens, these measures have been greatly increased for foreigners (immigrants, foreign students, expats, etc.) in 2013: in December 2013 Dutch Parliament adopted a legislative proposal that makes mandatory the taking of 10 fingerprints of all foreigners (immigrants), for criminal investigation purposes among other things. This happened despite heavy criticism from various organizations, among which Privacy First. After all, privacy and the prohibition of self-incrimination are universal human rights which should apply to everyone in the Netherlands, regardless of whether or not they have Dutch nationality. Therefore Privacy First expects that this new law will lead to a number of successful lawsuits against the Dutch government.

3. Political lobbying

3.1 Locally

In 2013 Privacy First has been contacted by city council members from various Dutch cities for information and advice in order to define local standpoints with regard to, among other things, Privacy Impact Assessments, camera surveillance, drones, number plate parking and preventive searches.

3.2 Nationally

Apart from various emails sent to individual members of Dutch Parliament, in 2013 Privacy First sent the following letters to the Dutch House of Representatives, the Senate and (cc) to relevant Dutch officials:

- emails dated 26 January 2013 and 6 March 2013 to the House of Representatives and the Senate pertaining to the biometric immigrant database;
- letter dated 25 February 2013 to the House of Representatives and the State Secretary of Infrastructure and Environment, pertaining to public transport chip cards;

- email dated 12 March 2013 to the House of Representatives, pertaining to Automatic Number Plate Recognition;
- letter dated 30 June 2013 to the Minister of Security and Justice, pertaining to a consultation about the draft legislative proposal for the fight against cybercrime (Minister Opstelten's "hacking plans");
- written input dated 12 July 2013 to the Ministry of Home Affairs for the assessment of the fundamental rights situation in the Netherlands (consultation 'the State of the Fundamental Rights').

3.3 Internationally

On an international level, Privacy First has been particularly active with regard to Taser weapons; see paragraph 2.9 in this report as well as Privacy First's letter of 16 April 2013 to the UN Committee against Torture. As a result, at the beginning of 2014 Privacy First has been invited by the Organization for Security and Cooperation in Europe (OSCE) to a number of meetings in Vienna on the topics of torture, privacy and the protection of personal data. Moreover, Privacy First maintained contacts with relevant members of European Parliament. As of 2014, Privacy First wants to become more active on a European level.

4. Communication

4.1 Mass media

In 2013 the national media outreach of Privacy First has widened and has become more diverse relating to its content. Apart from requests for interviews, Privacy First is increasingly called upon by journalists for background information and research suggestions. Privacy First also appears in foreign media ever more often. Below is a selection of our appearances in the media in 2013:

- NRC Handelsblad & NRC Next, 29-30 January 2013: 'Toch database voor vingerafdruk' ('Database for fingerprints after all')
- Nederlands Dagblad, 31 January 2013: 'Vingerafdrukken van alle vreemdelingen in database' ('Fingerprints of all migrants in database')
- Webwereld, 15 February 2013: 'Privacy First naar de rechter om kentekendatabase' (Privacy First goes to court over number plate database')
- Security.nl, 25 February 2013: 'Privacyclub wil échte anonieme OV-chipkaart' ('Privacy organisation wants truly anonymous public transport chip card')
- Algemeen Dagblad, 18 March 2013: 'Politie zet steeds vaker 'geheime' vliegtuigjes in' ('Police increasingly use 'secret' small aircrafts')
- Algemeen Dagblad, 18 March 2013: 'Dat geloer met drones is illegaal' ('Spying with drones is illegal')
- Telegraaf.nl, 18 March 2013: 'Politie zet 'geheime' drones in' ('Police employ 'secret' drones')
- RTLnieuws.nl, 18 March 2013: 'Drones vliegen vaker uit; zorgen om privacy' ('Drones employed more often – worries about privacy')

- NU.nl, 18 March 2013: 'Politie zet steeds vaker drones in' ('Police employ drones more often')
- SonHaber.nl (Turkish), 18 March 2013: 'Hollanda polisi insansız uçakları sevdi'
- UPI.com (United States), 18 March 2013: 'Dutch question police use of drones'
- Expatica.com, 18 March 2013: 'Use of drone aircraft in criminal investigations raises privacy fears'
- AutomatiseringGids, 19 March 2013: 'Woede om opslag kentekens' ('Anger over storage of number plates')
- Volkskrant, 19 March 2013: 'Let op, over uw tuin waken drones met camera's' ('Pay attention: your garden is being surveilled by drones with cameras')
- Radio 5 (NTR), 19 March 2013: discussion about the storage of number plates
- NOS.nl, 20 March 2013: 'Kamer voor vastleggen kentekens' ('Parliament in favor of storing number plates')
- Nederlands Dagblad, 20 March 2013: 'Opstelten praat met privacyclubs' ('Opstelten talks with privacy organisations')
- Kidsweek, 21 March 2013: 'Zorgen om vliegende bespieders' ('Worries over flying spies')
- Heise Online (Germany), 23 March 2013: 'Niederlande: Drogenfahndung und Verfolgung Flüchtiger mit Drohnen' ('The Netherlands: Drugs searches and prosecution quicker with drones')
- Radio 5 (NTR), 27 March 2013: interview with Privacy First about public camera surveillance
- NRC Next, 16 April 2013: 'Je jaloerse ex weet exact waar jij anoniem reist' ('Your jealous ex knows exactly where you travel anonymously')
- NRC Handelsblad, 7 May 2013: 'Je reist dus nooit meer onbespied. Vier vragen over privacy bij gebruik anonieme ov-chipkaart' ('You will never again travel unobserved. Four questions about privacy using the anonymous public transport chip card')
- Spits, 31 May 2013: 'Vanaf morgen iedereen vogelvrij' ('As of tomorrow everyone's an outlaw')
- EenVandaag, 31 May 2013: 'Kritiek VN op brede inzet tasers Nederlandse politie' ('UN criticizes large scale use of Taser weapons by Dutch police')
- FunX Radio, 13 June 2013: interview with Privacy First about the PRISM scandal
- Game & Co, 3 June 2013: 'Xbox One mogelijk in strijd met Nederlandse wet' ('Xbox One may violate Dutch law')
- NRC Next, 11 June 2013: 'Aantasting van privacy voel je niet, niet in je maag, niet in je portemonnee' ('You don't feel privacy infringements, not in your stomach, not in your purse')
- Telegraaf, 2 August 2013: 'Oproer digitaal parkeren; Stichting Privacy First roept op tot schriftelijk protest' ('Controversy over digital parking; Privacy First Foundation calls for written protest')
- Telegraaf, 21 August 2013: 'Schuldenaars opgezocht met scanauto' ('Debtors tracked down with scan car')
- BNR Nieuwsradio, Radio 2 & FunX Radio, 21 August 2013: interviews with Privacy First about the use of drones

- Noordhollands Dagblad, 22 August 2013: 'Parkeren 'op kenteken'' ('Parking 'on number plates''')
- Various regional newspapers, 22 August 2013: 'Niemand blijft buiten beeld' ('No one stays out of sight')
- Various regional newspapers, 29 August 2013: 'Trajectcontroles schenden privacyregels' ('Highway section controls violate privacy rules')
- Various regional newspapers, 30 August 2013: 'Gevalletje machtsmisbruik' ('A case of abuse of power')
- Radio 1 (VARA), 3 September 2013: interview with Privacy First about WiFi tracking in shops
- NRC Handelsblad, 5 September 2013: 'Ombudsman: oplossing nodig voor vingerafdruk' ('Ombudsman: solution needed for fingerprint')
- Ilmuider Courant, 19 September 2013: 'Nieuwe parkeerpalen gaan vier ton kosten' ('New parking meters will cost 400.000 euros')
- EenVandaag, 26 September 2013: 'Zorgen over privacy AH Bonuskaart' ('worries over privacy of bonus card in Albert Heijn supermarket')
- BNR Nieuwsradio, 7 October 2013: reactie Privacy First op CBS-cijfers identiteitsfraude ('reaction by Privacy First on statistics from the Dutch Central Statistical Agency about identity fraud')
- Algemeen Dagblad, 9 October 2013: 'Albert Heijn ligt onder vuur om vernieuwde bonuskaart' ('Albert Heijn criticized over new bonus card')
- Telegraaf, 15 October 2013: 'Rechtszaak tegen kentekenparkeren; uitspraak uitlokken over registratie en privacy' ('Lawsuit against number plate parking; inciting a reaction about registration and privacy')
- Webwereld, 17 October 2013: 'EU-Hof torpedeert Nederlandse wet vingerafdrukken' ('EU Court scuppers Dutch law on fingerprints')
- Binnenlands Bestuur, 21 October 2013: 'Europees Hof: vingerafdrukken opslaan mag niet' ('European Court: storing fingerprints not allowed')
- BNR Nieuwsradio, 24 October 2013: interview with Privacy First about the large scale eavesdropping operations by the NSA
- NU.nl, 6 November 2013: 'Rechtszaak tegen Plasterk om NSA-spionage' (Lawsuit against Plasterk over NSA espionage')
- Spitsnieuws.nl, 6 November 2013: 'Ronald Plasterk aangeklaagd om NSA' ('Ronald Plasterk sued over NSA')
- De Standaard (Belgium), 6 November 2013: 'Rechtszaak tegen Nederlandse minister om NSA-spionage' ('Lawsuit against Dutch Minister over NSA espionage')
- PC World (United States), 6 November 2013: 'Dutch civil society groups sue government over NSA data sharing'
- Algemeen Dagblad, 7 November 2013: 'Plasterk gedaagd in verband met af luisteren' ('Plasterk taken to court due to eavesdropping')
- NRC Handelsblad, 7 November 2013: 'De staat moet met feiten komen over af luisteren' ('The State has to come up with facts about eavesdropping')
- Shanghai Daily (China), 7 November 2013: 'Dutch Minister Plasterk sued over NSA spying
- 'Netzpolitik.org (Germany), 7 November 2013: 'Niederländer verklagen ihre Regierung wegen NSA-Kooperation' ('The Dutch sue their government over cooperation with NSA')



Interview with Bas Filippini (Privacy First), 26 September 2013

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- Public (Austria), November 2013: '@MIGO-BORAS: Big Brother auf Niederländisch' ('@MIGO-BORAS: Big Brother the Dutch way')
- Radio 1 (WNL), 13 November 2013: interview with Privacy First about the plans of Minister Opstelten to store the flight data of all passengers
- Radio 1 (AVRO), 15 November 2013: commentary by Privacy First on the Dutch Data Protection Authority
- Radio 1 (KRO), 25-26 November 2013: series about privacy with Privacy First among others
- Various regional newspapers, 27 November. 2013: 'Macht fiscus wordt fors ingeperkt' ('Power of tax authorities heavily restricted')
- AT5, 28 November 2013: reaction of Privacy First to the 'eavesdropping affair' on Amsterdam leasehold
- Metro, 17 December 2013: 'Piloten van verboden vluchten met drones worden niet bestraft' ('Pilots of illegal flights with drones go unpunished')
- Telegraaf, 28 December 2013: 'Iedereen is schuldig' ('Everyone is guilty')



Interview with Vincent Böhre (Privacy First), 28 November 2013 © AT5

4.2 Individual citizens

On a daily basis Privacy First receives questions from citizens on a wide variety of privacy issues. In 2013 the following themes held sway:

- The compulsory taking of fingerprints for passports & ID cards;
- Number plate parking;
- Municipal camera surveillance;
- Automatic Number Plate Recognition (ANPR);
- Privacy at the workplace;
- The Albert Heijn supermarket 'bonus card';
- Medical privacy and Electronic Health Records;
- Smart energy meters;
- Preventive searches;
- Privacy of tenants (elevated rents and tax authorities);
- Public transport chip cards;
- Compulsory card payment instead of paying cash.

In almost all cases Privacy First was able to answer these questions satisfactorily, sometimes after consulting relevant experts within our network. In case of an absence of knowledge or experience relating to the issue at hand, Privacy First redirects people to other NGOs or to specialized government bodies.

4.3 Internet

Privacy First's website is our primary way to share news and voice opinions. In early 2013 www.privacyfirst.nl also became available in English: www.privacyfirst.eu. Since October 2013 both websites are sponsored by the privacy-friendly Dutch internet provider Greenhost.

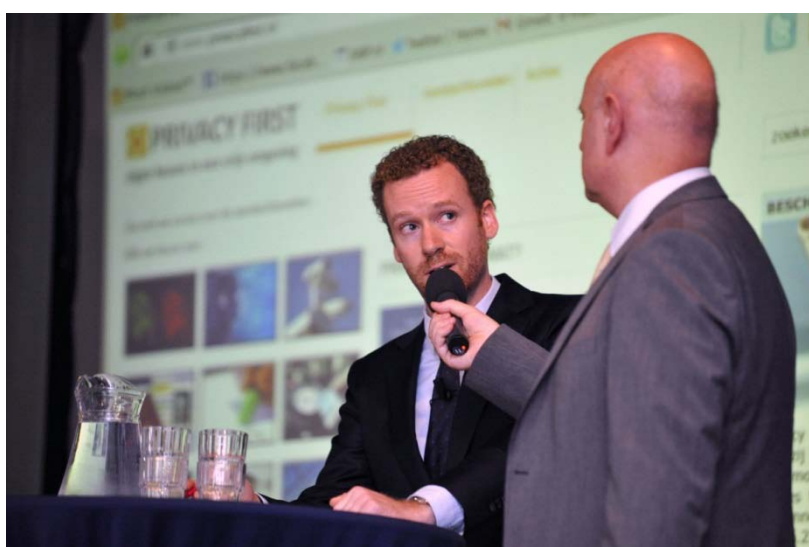
At the end of 2013 Privacy First was nominated by internet agency Redkiwi to take part in their annual *Goede Doelen Actie* (charity action). Nominated organizations were in contention of winning a new website worth 20,000 Euros. After a tight race for first place, Privacy First unfortunately became the runner-up. Ever since, it's Privacy First's intention to launch a new, modern website midway through 2014 that enables anonymous donations, anonymous communication and effective participation by citizens. Furthermore, Privacy First was particularly active on Twitter and increasingly so on Facebook and LinkedIn. Privacy First will also continue to reserve space for (possibly anonymous) guest columns and articles it may receive. Would you like to stay up-to-date on the latest developments around Privacy First? Then sign up for our monthly newsletter by sending an email to info@privacyfirst.nl!



New Year greetings by Privacy First, January 2013

5. Events

In January 2013 Privacy First was again an official event supporter of the international Computers, Privacy & Data Protection (CPDP) conference in Brussels. Every year this large conference brings together hundreds of European and North-American privacy experts from science, government, business and civil society. Another significant foreign event that Privacy First took part in were the Belgian Big Brother Awards. Moreover, in 2013 Privacy First gave guest lectures at the VU University Amsterdam, Utrecht University, Leiden University, Universities of Applied Sciences of Utrecht, Rotterdam and Amsterdam and, last but not least, at the Royal Netherlands Marechaussee (KMar, part of the Dutch Ministry of Defence).



Interview with Privacy First during the annual 'Wapendag' (Weapon Day) of the Royal Netherlands Marechaussee (25 October 2013, Apeldoorn)



Speech by Privacy First at the Belgian Big Brother Awards (30 May 2013, Ghent)

Symposiums and gatherings Privacy First actively took part in, in 2013, took place at De Balie (Amsterdam), NCSC Conference (The Hague), University of Amsterdam, Netherlands Helsinki Committee, Dutch Data Protection Authority (*College Bescherming Persoonsgegevens*, CBP), Dutch section of the International Commission of Jurists (NJCM), Mondiaal Centrum Haarlem, NCDO/Earth Charter, Platform for the Protection of Civil Rights (*Platform Bescherming Burgerrechten*), the International Centre for Counter-Terrorism (The Hague), Centre for International Conflict Analysis & Management (Nijmegen), Amnesty International, the Dutch Privacy Law Association, Felix Meritis, Leiden University, ECP-EPN, Privacy Platform (European Parliament) and Bits of Freedom. Apart from that, in 2013 Privacy First has been consulted by the Dessens Commission (evaluation of the Dutch law on intelligence and security agencies 2002), the Ministries of Security and Justice (ANPR) and Home Affairs (fundamental rights), the Dutch National Ombudsman (Passport Act) and the Dutch National Human Rights Institute (privacy and the protection of personal data).

On a regular basis Privacy First organizes networking drinks and theme nights for the big public as well as for our volunteers, donors and experts from our network of journalists, scientists, lawyers and people working in ICT. Since 2012 these gatherings take place at the Privacy First office in the former building of the *Volkskrant* newspaper in Amsterdam. Because part of the *Volkskrant* edifice is being turned into a hotel (Volkshotel), Privacy First has decided to temporarily suspend these gatherings until the moment the new hotel and café-restaurant will open their doors, which will probably be in June 2014. In January 2014 Privacy First did however organize a New Year's reception and theme night that revolved around the new EU Data Protection Regulation and the NSA eavesdropping scandal.

Speakers during that night, which was held in the CREA Theatre in Amsterdam, were the chairman of the Dutch Data Protection Authority, Jacob Kohnstamm, and the founder and former director of Privacy International, Simon Davies.




Speech by Jacob Kohnstamm (CBP chairman) at the premises of Privacy First, 16 January 2014 © Maarten Tromp

Would you like to receive an invitation to our next meeting or networking drink?
Send us an email and we will put you on our guest list!


Geachte relatie,

Hierbij nodigt **Stichting Privacy First** u graag uit voor haar Nieuwjaarsborrel! Deze zal plaatsvinden op donderdagavond 16 januari as. in het CREA Theater van de Universiteit van Amsterdam. Als gastsprekers hebben wij **Jacob Kohnstamm** en **Simon Davies** uitgenodigd. De heer Kohnstamm is voorzitter van het College bescherming persoonsgegevens (CBP) en van de Artikel 29-werkgroep waarin alle privacytoezichhouders binnen de EU zijn verenigd. Tevens is hij voorzitter van het *Executive Committee* van de *International Conference for Data Protection and Privacy Commissioners*. De heer Davies is oprichter en voormalig directeur van *Privacy International*. Momenteel is hij gastonderzoeker bij het Instituut voor Informatierecht (IVIR) en het *Amsterdam Platform for Privacy Research (APPR)*. Beiden zullen een lezing houden over actuele ontwikkelingen op het gebied van de bescherming van persoonsgegevens, in het bijzonder de nieuwe EU-Verordening inzake gegevensbescherming. Hierna volgt discussie onderling en met het publiek. Moderator tijdens de avond is **Bart van der Sloot**. De heer Van der Sloot is coördinator van het APPR en onderzoeker bij het IVIR.


De avond heeft een openbaar karakter. Het staat u dan ook vrij deze uitnodiging aan anderen te forwarden.
Datum: donderdag 16 januari 2014, aanvang 20.00u. Inloop vanaf 19.30u.
Locatie: CREA Theater, Nieuwe Achtergracht 170 Amsterdam. Lezing en discussie in de CREA Theaterzaal, gevolgd door Nieuwjaarsborrel in het CREA Café.
 Een routebeschrijving vindt u [hier](#).




Jacob Kohnstamm



Simon Davies



Bart van der Sloot

 **PRIVACY FIRST**
eigen keuzes in een vrije omgeving

Invitation for the theme night and New Year's reception at Privacy First, January 2014

6. Organization

Privacy First is an independent, ANBI (Institution for General Benefit) certified foundation that largely consists of volunteers. Since the end of 2010, the core of the organization of Privacy First consists of the following persons:

- Mr. Bas Filippini (founder and chairman)
- Mr. Vincent Böhre (director of operations)
- Mr. Charles van der Hoog (strategic advisor).

In 2013 the group of Privacy First volunteers has once again grown more diverse and largely consists of professionals who structurally support the foundation, both as far as the actual work at hand is concerned (various privacy themes and translation services) as well as in terms of organization (ICT, fundraising, PR and photography). Apart from that, Privacy First can rely on a large network of experts from all corners of society, varying from scientists, legal experts and people working in ICT to journalists, politicians and public officials.

7. Finances

To carry out its activities, the Privacy First Foundation is wholly dependent on donations. In recent years the number of Privacy First's donors has grown rapidly. Despite the economic crisis this trend continued in 2013, thanks primarily to successful activities and the broadening of our area of work. It's Privacy First's constant policy to spend as much of the donations on content related issues and to keep the operational costs as low as possible. In principle, travel and lunch expenses are to be paid for on one's own account, internal communication (also by telephone) is done mostly on the internet and expensive parties and other luxuries are out of the question for Privacy First. In this way every Euro is spent as effectively as possible for the benefit of the privacy of every Dutch citizen.

Annual overview 2013 (Euro)

Revenues:

Donations and sponsor money	32,938
Sublease	1,272
Miscellaneous	273

Expenditures:

Personnel costs	27,956
Housing	5,089
Office costs	1,094
Websites	758
Events	577
Banking and insurance costs	548
Communications & PR	378
Legal costs	348

Promotional material	258
Campaign costs	190
Travel costs	129
Miscellaneous	130

Would you like to support Privacy First? Then please donate on account number NL95ABNA0495527521 (BIC: ABNANL2A) in the name of the Privacy First Foundation in Amsterdam, the Netherlands. The Privacy First Foundation is recognized by the Dutch Tax and Customs Administration as an Institution for General Benefit (ANBI). Therefore your donations are tax-deductible.





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