



## **Annual Report 2017**

Privacy First Foundation  
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under the Dutch Data Retention Act. Privacy First enters such cases preferably in coalition with other parties and through the pro bono services of suitable law firms.

## 2.1 Number plate parking

Since a few years Privacy First has been litigating against (compulsory) number plate parking in order to preserve the right to anonymity in public space. At the start of 2015, Privacy First's chairman Bas Filippini won an administrative case against the municipality of Amsterdam: ever since, motorists in the whole of the Netherlands are no longer required to enter their number plate code into a ticket machine when parking their cars. At the start of 2016, this decision was upheld by the Dutch Supreme Court. Interim injunction proceedings initiated by Privacy First aiming to abrogate



number plate parking altogether, were, however, lost: on appeal, the Amsterdam Court of Appeal in May 2017 refused to hand down a ruling citing the (supposed) complexity of the case. Similar proceedings on the merits of number plate parking and the right to pay with cash money (and thus anonymously) in relation to fiscal law, launched by Privacy First, were subsequently lost in October 2017 before the district court of Amsterdam. An appeal case has been pending before the Amsterdam Court of Appeal ever since. On appeal, Privacy First aims, among others things, to elicit questions referred to the European Court of Justice in Luxembourg for preliminary rulings on the (European) right to payment in cash. Additionally, in this case several new and fundamental questions about the right to anonymity in public space are raised.

A similar case from the Privacy First chairman relates to highway section controls. This case was dealt with by the district court of Haarlem at the end of 2017 and is currently on appeal before the Leeuwarden Court of Appeal.

Both these cases are carried out at a greatly reduced rate by Alt Kam Boer Attorneys in the Hague. If necessary, litigation in these cases will be continued all the way up to the European Court of Human Rights in Strasbourg.

## 2.2 'Citizens against Plasterk'

Since the end of 2013, Privacy First, other organizations and citizens are parties to the lawsuit *Citizens against Plasterk* ('Burgers tegen Plasterk'). The revelations by Edward Snowden about the practices of (foreign) intelligence services such as the American NSA and the British GCHQ prompted this civil case against the Dutch

government, in particular Dutch Minister of the Interior Ronald Plasterk. Our coalition demands that the Netherlands puts a stop to the use of foreign intelligence that has been received in ways not compliant with Dutch law. Our attorneys of Bureau Brandeis are taking care of the litigation on the basis of their own pro bono fund for matters that are in the general interest of society. The organizations that have joined the coalition are: Privacy First, the Dutch Association of Criminal Defence Lawyers (*Nederlandse Vereniging van Strafrechtadvocaten*, NVSA), the Dutch Association of Journalists (*Nederlandse Vereniging van Journalisten*, NVJ), and Internet Society Netherlands (ISOC.nl). After the case was lost in July 2014 before the district court of The Hague, regrettably the Hague Court of Appeal too dismissed all of the coalition's claims. This happened mainly due to a lack of factual evidence. After all, the *modus operandi* of secret services is secret. Subsequently, the coalition has pursued further appeal before the Dutch Supreme Court. Nonetheless, the judgment of the Court of Appeal contained a number of positive aspects:

- the Court confirmed that Dutch intelligence services should refrain from using data of which it is known or suspected that they have been obtained by a foreign intelligence service in a way that violates human rights;
- the Court declared that Dutch intelligence services may not resort to a 'U-turn' solution, i.e. requesting foreign intelligence services to carry out activities that they may not carry out themselves;
- according to the Court, it would be against the law if Dutch intelligence services were to systematically or knowingly receive data from foreign intelligence services that they may or could not have collected themselves.

In parallel to this lawsuit, Privacy First and others have, at the end of 2015, joined a similar British case of Big Brother Watch against the British government before the European Court of Human Rights (ECtHR) in Strasbourg. If this case would end in favor of Big Brother Watch and Privacy First, the Dutch Supreme Court will have to follow the ECtHR ruling. Privacy First hopes that the judges in Strasbourg as well as the Dutch Supreme Court will soon come up with critical rulings.

### **2.3 Association of Practicing General Practitioners v. National Switch Point (LSP)**

In the past few years, the Association of Practicing General Practitioners (*Vereniging Praktijkhoudende Huisartsen*) brought a large scale civil case against the private successor of the Dutch Electronic Health Record: the National Switch Point (*Landelijk Schakelpunt*, LSP). Following unsatisfactory rulings by the district court of Utrecht and the Arnhem Court of Appeal, unfortunately the case was dismissed by the Dutch Supreme Court in December 2017. The ruling, however, did provide a glimmer of light, as it stressed the importance of privacy-by-design in medical systems. In this respect, the judgment still comes as a small victory. Also praiseworthy is the fact that in the conclusion of the Advocate general of the Supreme Court, extensive reference is made to the *amicus curiae* letter which

Privacy First and the Dutch Platform for the Protection of Civil Rights (*Platform Bescherming Burgerrechten*) submitted on appeal. This letter was submitted in the context of our joint campaign [SpecifiekeToestemming.nl](https://www.specifiekeToestemming.nl) which pursues the continuation and promotion of the right to medical confidentiality. Judging by the final consideration of its ruling, the Supreme Court may indeed have been inspired by this campaign. For more information, visit <https://www.privacyfirst.eu/focus-areas/medical-privacy/662-dutch-supreme-court-homes-in-on-privacy-by-design.html> . This case may possibly be continued before the European Court of Human Rights in Strasbourg.

On appeal (and on the advice of Privacy First), this case received pro bono support from law firm Houthoff Buruma through the Public Interest Litigation Project (PILP).



#### 2.4 Case against System Risk Indication (SyRI)

Through System Risk Indication (SyRI) every Dutch citizen can surreptitiously be profiled as a potential tax or benefit fraudster by public authorities. This very obscure Big Data project constitutes a flagrant breach of everyone’s privacy and is also at odds with various other civil rights, including the right to a fair trial. Under the guidance of the Public Interest Litigation Project (PILP) and the Platform for



the Protection of Civil Rights (*Platform Bescherming Burgerrechten*), together with Privacy First a large scale civil case was being prepared in 2017 in order to abrogate this Orwellian system. This lawsuit against the Dutch government (Ministry of Social Affairs) has

been pending before the district court of The Hague since March 2018. The coalition of plaintiffs consists as of yet of the Netherlands Committee of Jurists for Human Rights (*Nederlands Juristen Comité voor de Mensenrechten*, NJCM), the Platform for the Protection of Civil Rights, Privacy First, the KDVP Foundation (privacy in mental healthcare) and the National Clients Council (LCR). Two well-known Dutch authors, Tommy Wieringa and Maxim Februari, have, in their individual capacities, joined the case as plaintiffs and as ambassadors. The proceedings are carried out by Deikwijs Attorneys at a starkly reduced price. To learn more about the corresponding public campaign, visit <https://bijvoorbeeldverdacht.nl> ('Suspect From The Very Start', Dutch website).

## 2.5 New Intelligence and Security Services Act (Tapping law)

Despite criticism in many parts of society of the new Intelligence and Security Services Act (commonly known as the ‘Tapping law’) and despite the March 2017 draft subpoena by Privacy First and others addressed to the Dutch Senate, this legislative body adopted the Tapping law almost unamended in June 2017. This Act clears the way for large-scale tapping of the Internet traffic of innocent citizens (the ‘trawl net method’) and the exchange of these data with foreign secret services without first being evaluated. The Act also enables Dutch secret services (general and military intelligence, AIVD & MIVD) to get access to all sorts of databases in the public and private sector, to hack innocent citizens and organizations (third parties) and to give decryption orders. Those unwilling to cooperate with such orders risk two years’ imprisonment. That is why, since the summer of 2017, Privacy First and other organizations are preparing a larger scale lawsuit in order for the most privacy-violating parts of the Tapping law to be declared unlawful as it contravenes international and European privacy law. Despite a national referendum held on 21 March 2018 in which the Tapping law was voted down by a narrow margin (more about this below), the Dutch cabinet introduced the Act almost without any amendments as per 1 May 2018. Through interim injunction proceedings, a broad coalition of organizations has tried, unsuccessfully, to neutralize the Tapping law. A possible next legal step is initiating proceedings as to the substance in order to have the most privacy-violating parts of the Act rendered inoperative. Alongside Privacy First, the coalition that has been created for these proceedings is comprised of the Netherlands Committee of Jurists for Human Rights (*Nederlands Juristen Comité voor de Mensenrechten*, NJCM), Bits of Freedom, the Dutch Association of Criminal Defence Lawyers (*Nederlandse Vereniging van Strafrechtadvocaten*, NVSA), the Dutch Association of Journalists (*Nederlandse Vereniging van Journalisten*, NVJ), the Dutch Platform for the Protection of Civil Rights (*Platform Bescherming Burgerrechten*), Free Press Unlimited, BIT, Voys, Speakup, Greenpeace International, Waag Society and Mijndomein Hosting. The case is taken care of by Boekx Attorneys and is coordinated by the Public Interest Litigation Project (PILP). In this context, Privacy First will continue to lobby for positive legislative amendments that could be achieved in the short term.

## 2.6 Automatic Number Plate Recognition (ANPR)

It’s Privacy First’s constant policy to challenge mass privacy violations before court and have them declared unlawful. A new Dutch law that is eminently suitable for this, is the one concerning Automatic Number Plate Recognition (ANPR).

Through the use of camera surveillance permitted under the ANPR Act, the number plate codes of all motorists in the





Netherlands will be stored for four weeks in a central police database for criminal investigation purposes. Basically, this is equivalent to storing everyone's travel movements. As a result of this, every motorist will become a potential suspect. Privacy First deems this a wholly disproportionate measure. At the request of Privacy First, on 20 June 2017, a critical hearing about the legislative proposal was held in the Dutch Senate. Despite our critical input and our participation in this hearing, the ANPR Act was subsequently adopted by the Senate unamended at the end of 2017. Directly afterwards, Privacy First requested the services of law firm CMS Derks Star Busmann through Pro Bono Connect in order to have the ANPR Act declared unlawful as soon as it enters into force. This will happen on the basis of interim injunction proceedings in which various co-plaintiffs will be involved, among which, at least, the Dutch Platform for the Protection of Civil Rights (*Platform Bescherming Burgerrechten*). If necessary, these proceedings will be followed by legal proceedings on the merits of the case.

In response to a critical ruling of the Dutch Supreme Court at the beginning of 2017 about ANPR and the Dutch tax authorities, the latter has halted the (large scale) use of ANPR. Possible legal proceedings by Privacy First to cease the use of ANPR for fiscal matters have therewith become unnecessary.

### **3. Privacy First Solutions**

At the end of 2014, Privacy First launched its Privacy First Solutions initiative with the aim to encourage both public authorities as well as industry to operate in a privacy-friendly manner and make privacy-friendly policy and innovation a national standard. By now, Privacy First Solutions is an integral part of all of Privacy First's activities, including its lobbying and legal proceedings. It is our core mission to turn the Netherlands into a guiding nation in the field of privacy and data protection. In this respect, Privacy First Solutions should act as a catalyst. The Netherlands already disposes of all the prerequisites to develop itself into a privacy pioneer, including a technologically well-developed society, a booming IT industry, relevant university centers of excellence, increasing privacy awareness within society and a growing demand among citizens and consumers for privacy-friendly services and products. Like no other organization, Privacy First has links to all these parties and can inspire, stimulate and connect public authorities and companies to work towards optimal privacy protection and enhancement. In 2017, we did so primarily through continuous lobbying, knowledge transfer and organizing relevant public events. Privacy First Solutions also features legal practices and lawsuits: after all, sometimes the best solution to a privacy breach consists of eliminating privacy violating legislation or policy, accompanied, where possible, by the introduction of a privacy-friendly alternative and privacy-by-design. Below we provide an overview of our main Solutions events in 2017.

### 3.1 Strengthening the democratic rule of law

In January 2017, Privacy First organized its annual New Year's reception and nightly debate at its office location in the Amsterdam Volkshotel. The event largely revolved around the concept of 'Shared Democracy': after Athens (democracy 1.0) and our current 19th century parliamentary democracy (2.0), in the view of Privacy First it is high time for further innovation and more civic participation: *Shared Democracy*, or in other words, democracy 3.0. In his New Year's speech, Privacy First chairman Bas Filippini expanded on our vision on this subject. Then it was the turn of IT researcher Brenno de Winter to give a presentation, which happened to be as interesting as it was amusing. He focused on current privacy issues, information security and the existing gap between citizens and governance. What followed was a prolonged debate with the public (the attendance well exceeded the hall capacity) and naturally a convivial closing drink, toasting to a privacy-friendly 2017. Since then, Privacy First has continued to raise Shared Democracy as an important theme, among other ways by lobbying both houses of Parliament, advocating the preservation of the national advisory referendum. Moreover, for years Privacy First has been calling for the establishment of a Constitutional Court. We have recently argued in favor of these topics at the Dutch State Commission on the Parliamentary System.

### 3.2 National Privacy Conference and Dutch Privacy Awards

On 30 January 2018, Privacy First, together with the ECP Platform for the Information Society, for the first time organized the National Privacy Conference. The aim is to make this the ultimate Dutch privacy event around European Data Protection Day (28 January) and also to create a privacy-friendly information society together with companies, government, the scientific community and civil organizations. The Netherlands as a guiding nation in the field of privacy is on the conference's horizon. We had intentionally chosen our office location (the Volkshotel in Amsterdam) to be the venue of the first edition of the conference. The attendance turned out to be overwhelming: over 225 professionals had registered, while the hall had the capacity to host only 160 people. The keynote speakers were Aleid Wolfsen (chairman of the Dutch Data Protection Authority), Gerrit-Jan Zwenne (professor of Law and the Information Society, University of Leiden) and Jaap-Henk Hoepman (associate professor Privacy by Design, Radboud University Nijmegen). After their talks, there was a panel debate and a discussion with the audience, which featured, among others, Ulco van de Pol (chairman of the Amsterdam Data Protection Commission), Tim Toornvliet (Netherlands IT) and Lennart Huizing (Privacy Company).



*Aleid Wolfsen (Chairman of the Dutch Data Protection Authority). Photo: Maarten Tromp*



During the concluding part of the conference, Privacy First handed out the new Dutch Privacy Awards. The nominees were project IRMA (Radboud University Nijmegen) and Schluss in the category of Consumer solutions, TrustTester and Personal Health Train in the category of Business solutions and the Youth Privacy Implementation Plan of the municipality of Amsterdam in the category of Public services. During the conference the nominees presented their projects to the audience in Award pitches.

The great winner of the Awards was IRMA (I Reveal My Attributes, entry by professor Bart Jacobs and his team) as a generic privacy-by-design solution for privacy-friendly authentication in the private and public sector. Five Amsterdam students who organized the Dutch national referendum on the Tapping law received the incentive prize.

The award panel consisted of the following persons:

- Bas Filippini, founder and chairman of Privacy First (panel chairman)
- Paul Korremans, data protection & security professional at Comfort

Information Architects (also a member of the board of Privacy First)

- Marie-José Bonthuis, owner of IT's Privacy
- Bart van der Sloot, senior researcher at Tilburg University
- Marjolein Lanzing, PhD Philosophy & Ethics, Eindhoven University of Technology.

In 2017, both the National Privacy Conference as well as the Privacy Awards were made possible with the support of the Democracy & Media Foundation and the Adessium Foundation. At the start of 2019, Privacy First and ECP will again organize this inspiring event. Would you like to become a partner or sponsor of the Dutch Privacy Awards? Then please [contact](#) Privacy First!



*From left to right: Paul Korremans (panel member), Luca van der Kamp ('referendum student'), Esther Bloemen (Personal Health Train), Nina Boelsums ('referendum student'), Bas Filippini (panel chairman), Bart Jacobs (IRMA), Arjan van Diemen (TrustTester), Marie-José Hoefmans (Schluss) and Wilmar Hendriks (Youth Privacy Implementation Plan (municipality of Amsterdam)). Photo: Maarten Tromp*

### 3.3 Counselling for companies and public authorities

In recent years, Privacy First increasingly receives requests for advice by public authorities and businesses. In exceptional cases, when the intentions of the organization concerned are in line with our goals, we are happy to make a contribution. In 2017, this resulted, among other things, in structural consultancy and cooperation with the Volksbank in the context of current privacy issues revolving around the new European directive PSD2 (Payment Services Directive). Against this background, together with the Volksbank (and the banking sector), Privacy First is developing a new quality label for financial service providers (fintechs) that would like to enter the transactions market under PSD2. In this way,

we try to positively influence the implementation of PSD2.



### 3.4 Privacy First public debate on children and privacy

At the start of 2018, Privacy First organized a well-attended New Year's reception and a successful public debate about the theme of children and privacy. For a full report, please visit <https://www.privacyfirst.nl/solutions/evenementen/item/1103-verslag-van-publieksdebat-over-kinderen-privacy.html> (Dutch only). Privacy First is more and more worried about the goings-on in this field and, as of this year, is firmly committed to improve the privacy of children and pupils (especially those in primary school), first and foremost by having frank discussions with responsible organizations in the private and public sector.



*New Year's speech by Bas Filippini (Privacy First chairman), 17 January 2018. Photo: Bertus Gerssen*

### 3.5 Other activities

In 2017, Privacy First actively participated in various conferences and seminars organized, among others, by iPoort, the Dutch ministry of the Interior (Universal Periodic Review), the HU University of Applied Sciences of Utrecht, the ministry of

Justice and Security (Big Data), WKPA, Hague Security Delta, Waag Society, the General Intelligence and Security Service (AIVD), the National Human Rights Institute (*College voor de Rechten van de Mens*), the University of Twente, ECP, the Biometrics and Identity Association (*Vereniging voor Biometrie & Identiteit*, VVBI) and the Dutch Association for Education Law (*Nederlandse Vereniging voor Onderwijsrecht*, NVOR). Privacy First employees are frequently invited to speak at public events of public authorities, companies or the scientific community. In this context, we have been cooperating with speakers agency Athenas since late 2016. In addition, Privacy First continuously pursues quiet diplomacy in its broad field of involvement. In this respect, in 2017 we have had numerous meetings with relevant government authorities, companies and other organizations.

### 3.5.1 Consultation structures

In the context of the Intelligent Transport Systems (C-ITS) program of the Dutch Integrated Test-site Cooperative Mobility (DITCM), Privacy First in 2017 was a permanent participant in the Round Table on Legal Aspects of Smart Mobility and the Privacy by Design Working Group. Privacy First is also an active member of the Dutch Platform for the Protection of Civil Rights (*Platform Bescherming Burgerrechten*) and the Discussion Platform on Human Rights in the Netherlands (*Breed Mensenrechten Overleg Nederland*).

### 3.5.2 Privacy First as a daily help desk

Apart from these activities, on a daily basis in 2017, Privacy First received calls and emails from citizens, consumers, journalists and students who had a wide range of questions and requests in the area of privacy. We always seek to answer these questions as quickly and in the best way possible. However, these requests demand a great deal of our small organization.



### 3.5.3 Support for individual court cases

Privacy First is increasingly approached by foreign NGOs, funds and institutions of the European Union and the Council of Europe. In exceptional cases, we ‘adopt’ the legal proceedings of (Dutch) citizens, or we try to give them advice and offer them a podium in the media. A successful example is the local waste disposal RFID card (used to open garbage containers in the streets): an individual case about this issue supported by Privacy First resulted in a declaration by the Dutch Data Protection

Authority (DPA) as to the illegality of such cards in the Dutch city of Arnhem. This even led to the unlocking of all garbage containers in that city. The case is currently ongoing before the district court of Arnhem and will keep serving as a precedent for privacy and data protection on a local level in numerous other Dutch municipalities.

There are two other cases supported by Privacy First, one about ‘privacy discrimination’ and the other about the lack of anonymity using the Dutch public transport chip card (Michiel Jonker v. Dutch Data Protection Authority & Dutch Railways). However, the support of such cases does strain the capacity of our small foundation.

#### 4. Political lobby and diplomacy

##### 4.1 Legislation and policy

In 2017, Privacy First's political lobbying efforts predominantly targeted the legislative proposals concerning the recording and retaining of number plate data by the police (ANPR), Computer crime III (police hacking Act) and the new Intelligence and Security Act (Wiv2017 or ‘Tapping law’). Apart from that, Privacy First took part in several expert meetings in the Senate and the House of Representatives and published a comprehensive [privacy analysis](#) (Dutch only) of the electoral programs of all political parties shortly before the general elections.



*Vincent Böhre (Privacy First, left) at the expert meeting on legislative proposals regarding ANPR and Computer-related crime III, Dutch Senate, 20 June 2017.*

At the request of Privacy First (among others), on 20 June 2017 an extensive hearing on ANPR and Computer Crime III was held in the Dutch Senate. During this session Privacy First provided both written and oral input. Regrettably, the legislative proposal on ANPR was nevertheless adopted by the Senate some time later. By now, this also applies to the legislative proposal on Computer crime III, even though a few improvements had in recent years been made to it (courtesy also of Privacy First's lobbying efforts): as things currently stand, the decryption order has been done away with and a supervisory judge should, beforehand, perform a mandatory review of police hacking powers. Nevertheless, Privacy First still has major concerns about the exercise (and future extension) of this new police power.



Vincent Böhre (Privacy First, middle), during the expert meeting on horizontal privacy (privacy between citizens). Standing committee on Justice and Security, Dutch House of Representatives, 7 December 2017.

Despite the huge criticism and the countless motions and draft amendments (for which Privacy First proved a source of inspiration), the 'Tapping law' too was adopted in July 2017. This Act, however, does provide a few glimmers of hope. There is, for example, the new right of complaint: the individual right to complain to the Review Committee on the Intelligence and Security Services (*Commissie van Toezicht op de Inlichtingen- en Veiligheidsdiensten*, CTIVD) will also apply to interest groups, which will thus be able to file a complaint on behalf of a group of people, or in the public interest (*actio popularis*). Under the previous right to complain to the National Ombudsman, this has been a consistent practice for years. During the parliamentary scrutiny of the Tapping law, the CTIVD has, on the advice of Privacy First, urged to also entitle interest groups to exercise this right. Where appropriate, Privacy First will make full use of this right of complaint in the coming years. Moreover, we hope that this right will also be introduced in other laws and policy domains.



## 4.2 Referendum on the Tapping law



As soon as five Amsterdam students took the initiative, in August 2017, to organize a referendum on the ‘Tapping law’, Privacy First actively supported their efforts on our website, internet forums and social media. As a result of this (and also due to the support of numerous other civil organizations), the initiative received a lot of attention and support from mainstream media and enough signatures were collected in order to really make the referendum happen. At the end of 2017, Privacy First applied for a grant from the National Referendum Commission in order to actively campaign against the Tapping law. Our application was swiftly dealt with and fully accepted, which enabled us to effectively carry out various campaigning activities, calling for a NO vote in the referendum on the issue on 21 March 2018. That day, a small majority of the population voted against the Act. Following the outcome of the referendum, the government, lamentably, announced it would carry through only a few minor policy changes, including one (envisaged by Privacy First) to curb the ‘internet trawl net’ power in the domestic domain. The government also announced a number of future, non-fundamental legislative amendments. We will follow up on this in next year’s annual report.

## 4.3 UN Human Rights Council

In the context of the Universal Periodic Review (UPR), on 10 May 2017, the human rights situation in the Netherlands was critically examined by the United Nations Human Rights Council in Geneva. Against this background, Privacy First had previously sent a shadow report about current privacy issues in the Netherlands to the Human Rights Council as well as to all embassies in The Hague. Subsequently, in the spring of 2017, Privacy First had confidential meetings with the embassies of Bulgaria, Argentina, Australia, Greece, Germany, Chile and Tanzania. The positions of our interlocutors varied from senior diplomats to ambassadors. Furthermore, Privacy First received positive reactions to its report from the embassies of Mexico, Sweden and the United Kingdom. Moreover, several passages from our report were integrated in the UN summary of the overall human rights situation in the Netherlands. On 10 May 2017, the Dutch government delegation (headed by minister of the Interior Ronald Plasterk) received a number of critical recommendations from Canada, Germany, Spain, Hungary, Mexico and Russia with regard to human rights and privacy in relation to counter terrorism. In September

2017, the Dutch government announced that it would only explicitly accept Spain's recommendation:

*Take necessary measures to ensure that the collection and maintenance of data for criminal purposes does not entail massive surveillance of innocent persons. (Spain)*

Privacy First considers the Dutch acceptance of this advice as a binding international commitment and will hold the Dutch government to this, for example when it comes to conflicting legislative proposals that are currently on the table.



#### **4.4 UN Human Rights Committee**

At the end of 2016, Privacy First submitted a similar shadow report about current privacy issues in the Netherlands to the UN Human Rights Committee in Geneva. This Committee periodically reviews the compliance of the Netherlands with the International Covenant on Civil and Political Rights (ICCPR). As a result of our report, the Committee in May 2017 put the new Intelligence and Security Services Act, CCTV border surveillance system @MIGO-BORAS and telecommunications data retention on the agenda for the upcoming Dutch session in 2018/2019.

## **5. Communication**

### **5.1 Mass media**

In 2017, the national media outreach of Privacy First has grown once again and has become more diverse relating to its content. Apart from requests for interviews, ever more often Privacy First is called upon by journalists – and increasingly also by foreign media – for background information and research suggestions. Below is a selection of our appearances in the Dutch media in 2017:

- Dagblad van het Noorden, 17 January 2017, “Criticism of number plate parking”
- Eindhovens Dagblad, 2 February 2017, “Dashcam footage ends up online ever more often, but may not be publicly shared without reason”
- RTL Nieuws, 7 February 2017, “Facial recognition part of security checks at Schiphol airport: boarding without passport”
- NRC Handelsblad, 8 February 2017, “Intelligence and Security Services Act is as pervasive as it is immature”
- NRC.NEXT, 8 February 2017, “New Intelligence and Security Services Act falls short in every aspect”
- Netkwesties, 14 February 2017, “Lawsuit on the cards against Intelligence and

- Security Services Act that was adopted with broad support”
- BNR Nieuwsradio, 24 February 2017: “Is there any place left at all where you can stay under the radar?”
  - NRC Handelsblad, 25 February 2017, “Tax authorities may no longer use public transport chip card data”
  - Security.nl, 11 March 2017, “Privacy First appeals number plate parking”
  - Algemeen Dagblad, 14 March 2017, “Public transport chip card data up for grabs”
  - RTL Nieuws, 14 March 2017, “AIVD may continue to exchange data with foreign intelligence services”
  - Twentsche Courant Tubantia, 15 March 2017, “Tax authorities misuse public transport chip card data”
  - Tilburgers.nl, 25 March 2017, “Number plate parking: municipality of Tilburg introduces it while Supreme Court breaks it down”
  - Villamedia, 31 March 2017, “Legal proceedings against digital trawling law not unlikely”
  - De Gelderlander, 22 April 2017, “Step by step towards Big Brother”
  - Algemeen Dagblad, 24 April 2017, “Google privacy campaign well received in the Netherlands”
  - RTL Z, 1 May 2017, “Will we go back to the good old parking card placed behind the windshield?”
  - De Gelderlander, 4 May 2017, “No fines imposed in Arnhem for illegal waste disposal card”
  - BNR Nieuwsradio, 12 May 2017, “2300 reports of data breaches just the ‘tip of the iceberg’”
  - Computable, 15 May 2017, “WannaCry: Microsoft upset, consequences don’t seem too bad”
  - Security.nl, 16 May 2017, “Amsterdam Court of Appeal unwilling to rule on the merits of number plate parking”
  - RTL Nieuws, 16 May 2017, “Number plate parking to stay in Amsterdam for the time being”
  - Joop.nl, 16 May 2017, “Minister Schippers: halt the attack on the privacy of patients”
  - Algemeen Dagblad, 7 June 2017, “In love with your speaker: is this the future?”
  - Algemeen Dagblad, 13 June 2017, “‘Billion euro fines’ for Facebook-like companies, but does it benefit our privacy?”
  - Algemeen Dagblad, 15 June 2017, “Without any alternative, you click yes”
  - Security.nl, 27 June 2017, “New lawsuit about anonymous parking and paying with cash”
  - Trouw, 30 June 2017, “Number plate parking is convenient but breaches your privacy”
  - RTL Nieuws, 4 July 2017, “Cameras in locker rooms of fitness chain Fit For Free”
  - FunX Radio, 5 July 2017, interview with Privacy First about cameras in the locker rooms of gyms
  - Algemeen Dagblad, 7 July 2017, “Should we tape over our smartphone camera against hackers?”



Vincent Böhre (Privacy First) interviewed by RTL Journaal, 4 July 2017. © RTL4

- iCulture, 12 July 2017, “New tapping law: these are the consequences for you as an Apple user”
- Telegraaf, 12 July 2017, “Organizations want to challenge tapping law in court”
- BNR Nieuwsradio, 12 July 2017, “Lawsuit against tapping law is meaningful”
- RTL Z, 12 July 2017, “Controversial ‘tapping law’ is about more than tapping alone: these are the main issues”
- Elsevier Weekblad, 12 July 2017, “Court case against the State: ‘Tapping law belongs in a military dictatorship’”
- BNR Nieuwsradio, 12 July 2017, “It’s now up to the judge to rule on the Tapping law”
- Radio 1 (NOS), 12 July 2017: interview with Privacy First about Tapping law
- Volkskrant, 12 July 2017, “Companies, attorneys and privacy organizations go to court over adoption of controversial ‘tapping law’”
- NL Times, 12 July 2017: “Lawsuit started against new Dutch data mining law”
- Algemeen Dagblad, 12 July 2017, “Every Dutch citizen will become a famous person under this tapping law”
- De Correspondent, 12 July 2017, “Four reasons why the new tapping law is a bad idea”
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Vincent Böhre (Privacy First) interviewed by EenVandaag, 12 July 2017. © EenVandaag

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‘Zondag met Lubach’ about the Tapping law, 1 October 2017. © VPRO

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*Bas Filippini (Privacy First) at Editie NL (RTL4), 10 October 2017. © RTL4*

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## 5.2 Internet

The Privacy First websites are our primary way to share news and voice our opinions. There is both a Dutch website [www.privacyfirst.nl](http://www.privacyfirst.nl) as well as an English one: [www.privacyfirst.eu](http://www.privacyfirst.eu). Both websites are sponsored by the privacy-friendly Dutch internet services provider Greenhost. In 2017, the number of visitors to our websites has again increased: by now there are over 60,000 visitors each month (a 50% increase compared to 2016). Privacy First is particularly active on Twitter and has its own LinkedIn group for professionals; our following on both platforms has been growing steadily for years. Furthermore, Privacy First is active on Facebook and will continue to reserve space for (possibly anonymous) guest columns and articles on our websites. Would you like to stay up-to-date on the latest developments around Privacy First? Then sign up to our digital newsletter by sending an email to [info@privacyfirst.nl](mailto:info@privacyfirst.nl)!

## 6. Organization

Privacy First is an independent ANBI (Institution for General Benefit) certified foundation that largely consists of professional volunteers. In 2017, the core of our organization consisted of the following persons:

- Mr. Bas Filippini (founder and chairman)
- Mr. Paul Korremans (board member)
- Mr. Vincent Böhre (director of operations)
- Mr. Martijn van der Veen (Privacy First Solutions coordinator)
- Ms. Robbie van Herwerden (legal researcher)
- Ms. Simone van Dijk (theme specialist children & privacy)
- Ms. Esther Gruppen (Privacy First political advisor)
- Alex Revenberg (Privacy First Solutions advisor).

Privacy First has recently welcomed Ancilla van de Leest and Marc Smits onto its Board. We expect to be able to soon install a new Advisory Board as well.

In 2017, the group of Privacy First volunteers has grown once again and is made up largely of professionals who structurally support the foundation, not only as far as the actual work at hand is concerned (various privacy themes and translation services) but also in terms of organization (IT, fund raising, PR and photography) and legal matters (research). 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 IT to journalists, politicians and public officials. Moreover, in 2017 two interns (law students) were part of the Privacy First team.

Since the beginning of 2011, Privacy First's office is based in the rear wing of the Volkshotel in Amsterdam. In the summer of 2018, Privacy First will move to a new office on the Keizersgracht in the Dutch capital.



## 7. Finances

To carry out its activities, the Privacy First Foundation largely depends on individual donations and sponsorships by funds and law firms. In recent years, the number of Privacy First's donors has grown rapidly and in 2017 Privacy First's income has increased once more (14% compared with 2016). Since 2015, Privacy First receives financial support from the Democracy and Media Foundation; since 2017 this concerns multiannual institutional support. In 2017, Privacy First (Solutions) also received support from the Adessium Foundation for the benefit of our overall activities and for organizing the Dutch Privacy Awards. Privacy First hopes to be able to attract other domestic and foreign funds in order to contribute to the strength and sustainability of our organization in the Netherlands and in order to become operational abroad.

Our financial administration has since 2017 been outsourced pro bono to an external administration company. Apart from financial support from individual donors and funds, Privacy First welcomes corporate donations, provided that our freedom and independence are not compromised. Since the end of 2016, Privacy First is materially supported by Dutch IT company Detron, which distributes computers and printers to our office. Privacy First's websites are partly sponsored by internet services provider Greenhost and thanks to TechSoup Netherlands our foundation can buy software (from Microsoft and others) at cheap prices. Kaspersky has been sponsoring our anti-virus software since 2017. Since the end of 2017, Privacy First is also supported by Voys Telecom. Would your company like to sponsor Privacy First too? Please get in touch with us!

It is Privacy First's constant policy to spend as much of its income on content related issues and to keep the operational costs as low as possible. For the most part, our communication (also by telephone) runs over the internet. Expensive parties and other luxuries are out of the question. Our campaigns and support activities are largely carried out by professional volunteers. Events by Privacy First are organized preferably in the same location our office is situated, or in sponsored external locations. Procedural documents in our court cases are partly self-written or supported through our own factual and legal research. It is Privacy First's established policy to enter large-scale litigation only through Pro Bono Connect or in coalition with the Public Interest Litigation Project (PILP) of the Dutch section of the International Commission of Jurists (*Nederlands Juristen Comité voor de Mensenrechten*, NJCM). This is done in order to spread the costs and financial risks and to improve the odds of winning in court. In this way every euro is spent as effectively as possible for the benefit of the privacy of every citizen.

Below you find our 2017 financial overview. The sponsorship of lawsuits by law firms is not included.

| <b>Annual overview</b>   | <b>2017</b> | <b>2016 (euro)</b> |
|--------------------------|-------------|--------------------|
| <b>Revenues:</b>         |             |                    |
| Donations                | 91,455      | 77,281             |
| Sublease                 | 400         | 3,200              |
| Miscellaneous            | -           | 116                |
| <b>Expenditures:</b>     |             |                    |
| Personnel costs          | 63,137      | 46,458             |
| Legal costs              | 14,006      | 8,677              |
| Housing                  | 4,980       | 5,350              |
| Events                   | 2,340       | 2,211              |
| Websites                 | 1,667       | 1,090              |
| Travel expenses          | 1,610       | 3,720              |
| Banking and insurance    | 825         | 808                |
| Communications           | 767         | 713                |
| Representation expenses  | 758         | 378                |
| Expense allowance scheme | 454         | -                  |
| PO box and postage       | 431         | 335                |
| Training costs           | -           | 707                |
| Subscriptions            | 253         | -                  |
| Office costs             | 232         | 1,136              |
| Miscellaneous            | 868         | 185                |

Would you like to support Privacy First? Then please donate on account number NL95ABNA0495527521 (BIC: ABNANL2A) in the name of *Stichting Privacy First* in Amsterdam, the Netherlands, or support us anonymously through the [donation page](#) on our website. 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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