



## **Annual Report 2020**

**Privacy First Foundation  
Amsterdam**

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## Table of contents

1.	Vision and policy	1
2.	Projects and events	2
2.1	Dutch Privacy Awards & National Privacy Conference .....	2
2.2	External projects.....	4
2.3	Privacy First as a daily helpdesk.....	5
2.4	Other activities .....	5
3.	Political lobbying and campaigns	6
3.1	Covid-19 measures .....	6
3.2	The Digital Government Act .....	7
3.3	Medical confidentiality .....	8
3.4	Campaign: Don't-PSD2-Me.....	9
4.	Lawsuits	10
4.1	System Risk Indication (SyRI).....	10
4.2	Ultimate Beneficial Owner (UBO) register .....	11
4.3	ANPR: Automatic Number Plate Recognition .....	12
4.4	Citizens v Plasterk .....	12
4.5	Number plate parking .....	12
4.6	Average speed checks .....	13
4.7	Individual lawsuits by privacy activist Michiel Jonker .....	13
5.	Communication	14
5.1	Mass media .....	14
5.2	Online presence.....	14
6.	Organization	15
7.	Finances	15

## **1. Vision and policy**

Privacy First was founded in 2008 as an independent foundation with the aim to preserve and promote everyone's right to privacy. Privacy is a human right which encompasses the protection of personal data, confidential communication, home inviolability and physical integrity. Of all human rights, the right to privacy is under the most pressure in this day and age. Privacy First is therefore strongly committed to protecting and promoting this right as much as possible. As a Dutch Institution for General Benefit (ANBI), Privacy First does this in the general interest, either for the entire population or for vulnerable groups. Privacy First applies a broad, principled orientation to privacy, both in relation to our free, open society and in relation to other relevant human rights. Our field of vision and activities extends to both the digital and analogue domains. However, these worlds are becoming increasingly integrated and are making the classic 'analogue space' ever smaller. Developments in the digital domain are happening at a rapid pace. In order to steer things in the right direction, Privacy First has for years been advocating good legislation with solid privacy safeguards in addition to privacy by design, i.e. including privacy into technology right from the start. The arrival of the new European General Data Protection Regulation (GDPR) has given us a tailwind. At the same time, Privacy First always operates in an arena where privacy is constantly under threat. Moreover, the current Coronavirus induced crisis threatens to become a deep crisis for all human rights (including the right to privacy). The work of Privacy First has therefore never been more urgent or relevant.

Privacy First's established policy is to focus our attention primarily on (impending) privacy breaches that may affect large groups of people simultaneously. In our selection of topics, we are guided by 1) the scale, 2) the severity and 3) the impact and consequences of a particular breach. Massive and serious privacy violations are first investigated and brought to the public attention by Privacy First. Next, Privacy First seeks to eliminate the violation in question through quiet diplomacy and political lobbying, followed, if necessary, by a public campaign, legal action or – as a last resort – litigation.

In line with these criteria, in recent years the attention of Privacy First has focused mainly on biometrics, camera surveillance, medical confidentiality as well as mobility and anonymity in public space. In addition, Privacy First has been increasingly active on the topics of financial privacy (including the new European Payment Services Directive, PSD2), the actions of the police, the judiciary and secret services, Big Data, profiling and the Internet of Things.

Our core mission is to protect the population from mass surveillance and contribute to the Netherlands developing into a guiding nation in the field of privacy. In the following chapters, we will lay out our main activities over the year 2020. With regard to Privacy First's more recent activities, please visit our website.

## 2. Projects and events

### 2.1 Dutch Privacy Awards & National Privacy Conference

Despite all the limitations due to the Covid-19 pandemic, in the context of the European Data Protection Day ECP and Privacy First again jointly organized our annual National Privacy Conference on 28 January 2021. Together with the government, the business community and the scientific community, with this event we aim to build a privacy-friendly information society and turn the Netherlands into a guiding nation in the field of privacy. Due to pandemic restrictions however, the conference was mostly an online event which was streamed from the television studio of our regular conference location: Nieuwspoord in The Hague. Once again, the interest proved enormous: hundreds of professionals had registered for the livestream. Keynote speakers during the conference included Monique Verdier (vice-chairwoman of the Dutch Data Protection Authority), Judith van Schie (Considerati), Erik Gerritsen (secretary-general of the Dutch Ministry of Health, Welfare and Sport), Mieke van Heesewijk (SIDN Fund), Peter Verkoulen (Dutch Blockchain Coalition), Paul Tang (Member of European Parliament, Dutch Labour Party), Ancilla van de Leest (Privacy First chairwoman), Chris van Dam (Member of Dutch Parliament, CDA), Evelyn Austin (Director of Bits of Freedom) and Wilmar Hendriks (Jury Chairman of the Dutch Privacy Awards). The moderator for the day was television presenter Tom Jessen (RTL, BNR).



*Debate during the National Privacy Conference, Nieuwspoord 28 January 2021. From left to right: Paul Tang, Ancilla van de Leest, Tom Jessen and Chris van Dam. © Nieuwspoord*

As a concluding part of the conference, Privacy First presented our annual Dutch Privacy Awards. During the summer of 2020, Privacy First received several high quality entries for these Awards. Our independent Awards jury then conducted reviews and interviews with all entrants in the fall and winter of 2020. Nominated in the Consumer Solutions category were STER (advertising without storage of personal data), Schluss (data vault), NKey (privacy by

design plug-in) and 4MedBox (4LifeSupport). The nominations in the Business Solutions



## Nederlandse **PRIVACY AWARDS**

category were Roseman Labs (Secure Multiparty Computation), NLdigital (Data Pro Code) and Simple Analytics (website analysis tool). In the Government Services category, the Dutch Ministry of Health, Welfare and Sport (CoronaMelder app) and FCInet &

Ministry of Justice and Security (Ma<sup>3</sup>tch technology for data exchange) were the nominees.

During the online conference, all nominees presented their projects to the audience through Award video pitches. STER, NLdigital, FCInet & Ministry of Justice and Security were then declared winners by the jury. Schluss was awarded the Incentive Award.



*Privacy First director Vincent Böhre hands a Dutch Privacy Award to Marie-José Hoefmans of Schluss, 4 February 2021.*

The jury of the Dutch Privacy Awards in 2020 consisted of the following people:

- Wilmar Hendriks, founder of Control Privacy and member of the Privacy First advisory board (jury chairman)
- Ancilla van de Leest, Privacy First chairwoman
- Paul Korremans, Partner Comfort-IA and Data Protection Officer (also member of the board of Privacy First)
- Marc van Lieshout, Managing Director iHub, Radboud University Nijmegen

- Alex Commandeur, senior advisor, BMC Advies
- Melanie Rieback, CEO and co-founder Radically Open Security
- Nico Mookhoek, privacy lawyer and founder of DePrivacyGuru
- Rion Rijker, privacy and information security expert and IT lawyer, partner Fresa Consulting.



The 2020 National Privacy Conference and the Dutch Privacy Awards were co-sponsored by the Democracy & Media Foundation and The Privacy Factory. The entire conference was streamed live from Nieuwspoor and can be viewed at <https://youtu.be/asEX1jy4Tv0>.

In early 2022, Privacy First and ECP will be organizing this inspiring event again. Would your organization like to become a partner or sponsor? Then please contact Privacy First!

## 2.2 External projects

In recent years, companies and public authorities have regularly asked Privacy First for advice. When the intentions of the organizations that come up to us are in line with our own mission, we are keen to help out. Through our critical involvement in such projects, Privacy First seeks – in the public interest – to positively influence certain societal developments and to have privacy safeguarded not only ‘from the outside’ but also ‘from the inside’. However, due to the Coronavirus pandemic, there were fewer new projects in 2020 than previously expected. Nevertheless, Privacy First was actively involved in two large-scale external projects in 2020:

- 1) **Project of Statistics Netherlands (CBS)** for the privacy-friendly external use of statistical CBS data for scientific purposes.

As a member of the CBS project supervisory committee, Privacy First provided critical input throughout 2020. In 2021, CBS will make the results of this project public and will adjust its policies accordingly.

**2) Coalition project with Tilburg University:** multi-year project (2020-2024) for privacy-friendly Blockchain applications for the Dutch national government. Partners include the Dutch Research Council (NWO), various ministries, the Association of Dutch Municipalities (VNG), the Central Fine Collection Agency (CJIB), ECP, several companies and other organizations. Privacy First will provide critical input throughout the project and will organize several public events.

Privacy First expects to be involved in new projects in 2021.

### 2.3 Privacy First as a daily helpdesk

In 2020, Privacy First was regularly approached by telephone and email by citizens,



journalists and students with a wide variety of privacy-related questions and requests. In the past, Privacy First has always tried to answer such questions as well and as quickly as possible, but unfortunately this has become too much of a burden for our small foundation. For this reason, in 2020 we mostly referred people to other relevant organizations,

including in particular the Dutch Data Protection Authority.

### 2.4 Other activities

Privacy First has been structurally involved both as a speaker and as a recruiter of participants in the UvA Academy Masterclass: Privacy - The Next Step (University of Amsterdam) since early 2019. This collaboration continued in 2020 and will continue in 2021.

On 8 January, 2020, Privacy First organized a successful public debate and New Year's reception with the theme Blockchain & privacy. This event took place in and was partly sponsored by the Volkshotel in Amsterdam, where Privacy First's offices were previously located. Speakers included legal expert Jurgen Goossens (Tilburg University), Martijn van der Veen (Privacy First) and financial expert Simon Lelieveldt.

In 2020, Privacy First was active also at events and meetings with, among others, Bridgehead, Statistics Netherlands (CBS), the Intelligence and Security Services Review Committee (CTIVD), Groene Amsterdammer magazine, the Center for Information Security and Privacy Protection (CIP), Dutch Platform for the Protection of Civil Rights, the Public Interest Litigation Project (PILP), the University of Amsterdam (UvA), the Scientific Council for Government Policy (WRR), De Nederlandsche Bank (DNB), Omni Bridgeway, Qiy Foundation, the Netherlands Chamber of Commerce (KvK), Bits of Freedom, the National Ombudsman, The Privacy Collective, SIDN Fund, Dutch Public Prosecution Service, Volksbank, Considerati, Dutch Ministry of Health, Welfare and Sport, Ministry of Justice and Security and its Scientific Research and Documentation Centre (WODC), the Dutch Humanist Association, Digicampus, Dutch National Police, Dutch Data Protection Authority, NOYB, The Netherlands Institute for Human Rights, Leiden University, ECP|Platform for the Information Society, Privacy Platform and Tilburg University.



The board members and staff of Privacy First are regularly asked as speakers at public events of public authorities, the business community and the scientific community. In addition, Privacy First continuously conducts quiet diplomacy in our broad field of activity.

### 3. Political lobbying and campaigns

#### 3.1 Covid-19 measures

The Coronavirus induced crisis is not only a global health crisis, but now a crisis for countless other human rights, including the right to privacy. From the very beginning (March 2020), Privacy First has therefore adjusted its priorities and critically monitored virtually all privacy-relevant corona legislation and policies. In doing so, we sought to stop or positively influence overreaching measures as much as possible. In part, we (and many others) were successful, particularly with regard to the following issues:

- **Corona emergency law:** from the very first draft of this bill, Privacy First has tried to polish off its sharpest edges by exerting social pressure (including through media interviews and a critical, much-viewed speech by our (former) chairman on the Malieveld in The Hague), by structural political lobbying with both houses of Parliament and by threatening legal action. In concrete terms, this mainly concerned trying to get rid of possible controls inside people’s homes, as well as calling for stronger parliamentary control (right of veto for the House of Representatives in the case of measures related to the pandemic), for temporal restrictions and for lower fines that shall not result in a criminal record.



*Speech by (former) Privacy First chairman Bas Filippini from a secret location near the Malieveld (The Hague), 21 June 2020.*

- **Corona app (CoronaMelder):** through the application of social pressure, political lobbying, our critical participation in a parliamentary hearing about the Corona app and by threatening to take legal action, Privacy First helped ensure that the final Corona app largely meets our requirements of voluntariness, anonymity and privacy by design. The independent jury of the

Dutch Privacy Awards subsequently even nominated the CoronaMelder app for an Award in the Government category.

- **Telecom Emergency Act** to monitor people's mobility: through media interviews (including an appearance in current affairs program Nieuwsuur), political lobbying with the House of Representatives and threatening to initiate a lawsuit, Privacy First has attempted to prevent further progress in the discussion of this legislative proposal. For the time being this seems to have succeeded: Privacy First has not heard anything about this bill for a long time, even though it was improved in various aspects.



*Photograph: Martin Sanchez, Unsplash.com*

### **3.2 The Digital Government Act**

In July 2020, Privacy First took part in a critical expert meeting in the Dutch Senate regarding the new Digital Government Act. This law will replace the outdated DigiD with new digital eID means, enabling citizens to login to government services and arrange personal matters. On this occasion, Privacy First insisted on having freedom of choice, on choosing a decentralized instead of a centralized identity infrastructure, on data minimization, open source software and privacy by design. The Senate has adopted some of our recommendations, which led to the submission of an improved bill to the House of Representatives and a positive opinion on it by the Council of State. Privacy First continues to actively monitor this process.



*Privacy First director Vincent Böhre at an expert meeting on the Digital Government Act, Dutch Senate 30 June 2020. © Dutch Senate*

### 3.3 Medical confidentiality

At the beginning of 2020, our long-running campaign [Specifieketoestemming.nl](https://www.specifieketoestemming.nl) (about giving specific consent for the exchange of medical data) entered a new phase: at the suggestion of then Minister of Health, Welfare and Sport Bruno Bruins in response to a motion from the House of Representatives, Privacy First signed up as a participant in the Healthcare Information Board (Informatieberaad Zorg). This information board is an administrative collaboration between participants from the healthcare field and the Ministry of Health, Welfare and Sport. Privacy First wants to use this approach to ensure that the right to medical confidentiality is not only guaranteed 'from the outside in' but also 'from the inside out', and to promote privacy by design within the Dutch healthcare sector. However, in February 2020 the Information Board (in violation of the aforementioned Parliamentary motion) decided not to admit Privacy First as a participant because Privacy First "does not originate from the healthcare field". However, Privacy First had already been admitted by the Ministry as a member of the Information Security and Privacy (IV&P) working group at the end of 2019. During 2020, Privacy First played a (pro)active, critical-constructive role in this ministerial working group. Privacy First will continue this role and we hope the working group can be reformed in order for it to have a more reviewing role when it comes to the implementation and safeguarding of privacy by design in healthcare.



### 3.4 Campaign: Don't-PSD2-Me

In the context of multiple projects, Privacy First has been working to mitigate the risks created by the EU Payment Services Directive 2 (PSD2) since late 2017. This European banking law allows consumers to share their banking data with other parties for 'account information services'. For this, consumers must first give their consent. Following consent, banks must share all the consumer's transaction data with external parties (financial service providers). With support from the SIDN Fund, Privacy First launched a campaign in the summer of 2019 around the privacy risks of PSD2: [psd2meniet.nl/en/](https://psd2meniet.nl/en/) (Don't-PSD2-Me). The main goal of our PSD2 campaign is developing a Don't-PSD2-Me filter, similar to already existing do-not-call-me registers and do-not-track (WiFi) registers.

PSD2 lays the burden of responsibility for privacy protection with providers of PSD2 account information services and relies heavily on consumer consent. The most significant PSD2 risks arise from the fact that consumers cannot limit the amount of personal data shared, and from the fact that financial transactions also contain both special personal data and third party data. One of our completed projects (in collaboration with the Dutch National Forum on the Payment System (MOB)) was aimed at ensuring greater transparency. Our Do-Not-PSD2-Me project started in May 2020 and is still ongoing.

Central to our current Do-Not-PSD2-Me project is the development of a well-functioning filter. The project team consists of our project leader and two programmers. The code is made available as an Application Programming Interface (API) to PSD2 service providers. One such provider (FwdPay, Gatekeeper for Open Banking) has already included the Do-Not-PSD2-Me filter in their service.



The Do-Not-PSD2-Me project offers Privacy First a platform that helps to address privacy and data protection risks with the European Data Protection Board (EDPB), the Dutch Data Protection Authority and other players in this field. There are various recurring issues surrounding PSD2, including privacy

violations as a side effect, the reluctance to include privacy by design in the law and the complacent attitude towards the rights of data subjects. We provided input for the EDPB's PSD2 guidelines and wrote a white paper that we sent to all relevant parties.

With the PSD2 project, we are linked to initiatives for Personal Data Management (PDM), including the 'Open the Blackbox' initiative aimed at ensuring more transparency. We also closely monitor the European Commission's plans on Data Spaces (specifically Open Finance). The European Commission emphasizes the importance of the GDPR and the central role for the protection of data subjects, but in practice this is under enormous pressure from other interests. The lesson of our PSD2 projects is that by developing solutions ourselves, we can show other parties that alternatives are indeed possible, which in turn causes a shift in their points of view.

## 4. Lawsuits

As a civil society organization, Privacy First is concerned with operating as effectively as possible with the limited resources we have. If quiet diplomacy, political lobbying and campaigns prove insufficiently effective, Privacy First institutes fundamental lawsuits against legislation and policies that lead to large-scale privacy violations. **In recent years, Privacy First has successfully opposed the**



**central storage of everyone's fingerprints under the Dutch Passport Act, the storage of everyone's telecommunications data under the Telecommunications Data Retention Act, and the large-scale risk profiling of citizens under a program called System Risk Indication (SyRI).** Privacy First prefers to conduct such cases in coalition with other parties and through the pro bono support (or external sponsorship) of appropriate law firms.

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### 4.1 System Risk Indication (SyRI)

#### *Lawsuit against large-scale risk profiling of citizens by the Dutch government*

At the end of March 2018, a broad coalition of parties (including Privacy First) sued the Dutch government to disable a surveillance program called System Risk Indication (SyRI). SyRI used secret algorithms to screen large groups of people (and even entire neighborhoods) in order to covertly profile citizens for the risk of defrauding social services. In addition to massive violations of the right to privacy, this system violated the right to a fair trial and had a discriminatory and stigmatizing effect. According to the plaintiffs' coalition, SyRI therefore posed a threat to the rule of law and the legislation on which SyRI was based should be declared unlawful.

Under pressure from this lawsuit, several municipalities (including the municipality of Rotterdam) had already stopped using SyRI in 2019. On 5 February, 2020, the District Court of The Hague issued a groundbreaking ruling: the judge declared SyRI unlawful and decided that the government must immediately stop profiling citizens through large-scale data analysis. The court also declared the Dutch legislation on which SyRI was based inoperative because it was in conflict with European privacy law.

This judgment forms an important precedent and has received a lot of media attention, both nationally and internationally. The Dutch government has not appealed the judgment, which is therefore final.

The group of plaintiffs in the case against SyRI consisted of the Dutch Platform for the Protection of Civil Rights, the Dutch Lawyers Committee for Human Rights (NJCM), Privacy First, the KDVP Foundation, the National Clients Council and trade union FNV. Authors Tommy Wieringa and Maxim Februari, who had previously been very critical of SyRI, were involved in a personal capacity as co-claimants. The case was handled by Anton Ekker (Ekker Legal) and Douwe Linders (SOLV Attorneys) and was co-coordinated by the Public Interest Litigation Project (PILP) of the NJCM. The case was actively supported by the United Nations by means of an *amicus curiae* brief.



Should the Dutch government wish to continue the earlier SyRI practices through the current Data Processing Collaborations Bill (WGS or ‘Super SyRI’), the above-mentioned coalition is likely to relaunch a large-scale lawsuit against it.

For more information on the case against SyRI, please visit the special campaign website of the Platform for the Protection of Civil Rights: [Bijvoorbaatverdacht.nl](http://Bijvoorbaatverdacht.nl).

#### 4.2 Ultimate Beneficial Owner (UBO) register

##### *Lawsuit against large-scale disclosure of sensitive personal data*

Since August 2020, Privacy First has been preparing a large-scale lawsuit against the new UBO register. This public register at the Dutch Chamber of Commerce will contain information about all ultimate beneficial owners (UBOs) of all companies and other legal entities established in the Netherlands (including family businesses, foundations, associations, churches, social organizations and charities), with all the privacy and security risks this entails. Making the personal data of all UBOs accessible to everyone is a massive invasion of privacy that, in the view of Privacy First (and previously also that of the European Data Protection Supervisor, EDPS), is completely disproportionate. Privacy First therefore aims with this lawsuit to render the UBO register inoperative and to have preliminary questions on the register asked to the EU Court in Luxembourg. To this end, we initiated summary proceedings against the Dutch government at the District Court of The Hague on 25 February 2021. On 18 March 2021, the court rendered its judgment: despite doubts on the part of the court about the legality of the UBO register and the underlying EU legislation, the claims of Privacy First were unfortunately rejected. Privacy First subsequently lodged an urgent appeal against this with the Court of Appeal of The Hague. The court hearing will take place after the summer of 2021. This case is handled by Boekx Attorneys.



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### **4.3 ANPR: Automatic Number Plate Recognition**

#### *Lawsuit against mass camera surveillance*

In 2020, Privacy First together with law firm CMS (pro bono) prepared large-scale civil summary proceedings and proceedings on the merits against the Dutch ANPR Act (Art. 126jj Penal Procedures Code). Under this law, since 1 January 2019, the number plate codes of virtually every motorist in The Netherlands ends up in a central police database for four weeks, which is also directly accessible to the General Intelligence and Security Service (AIVD) and Military Intelligence and Security Service (MIVD) and in time possibly more parties. Privacy First considers this law a blatant violation of European privacy law. In order to strengthen this case factually, CMS has submitted several freedom of information requests to ministries. Due to circumstances, the lawsuit has unfortunately been delayed in 2020, but the summary proceedings are expected to take place in the summer of 2021.

### **4.4 Citizens v Plasterk**

#### *Lawsuit concerning international data exchange by secret services*

Together with citizens and other organizations, Privacy First has been conducting the lawsuit 'Citizens against (Dutch Minister Ronald) Plasterk'. The reason for this civil lawsuit against the Dutch government were the revelations by whistleblower Edward Snowden about the practices of (foreign) intelligence services, including the American NSA and the British GCHQ. Our coalition of parties demands that the Dutch government stops using foreign intelligence not obtained in accordance with Dutch law. Our lawyers at Bureau Brandeis are taking care of this case on the basis of their own pro bono fund for social litigation. The coalition consists of Privacy First, the Dutch Association of Criminal Lawyers (NVSA), the Dutch Association of Journalists (NVJ) and Internet Society Netherlands. After disappointing verdicts from both the District Court and the Court of Appeal of The Hague, the Dutch Supreme Court unfortunately also dismissed this case in 2018. With that, the Supreme Court has since provided a free pass for Dutch secret services to continue to collect large amounts of data from Dutch citizens through foreign intelligence services without legal protection. Our lawyers have therefore continued this case at the European Court of Human Rights in Strasbourg in early 2019, in parallel with similar British and Swedish lawsuits. Despite the delays caused by the Covid-19 pandemic, Privacy First hopes that the European Court will soon reach a critical verdict.

### **4.5 Number Plate Parking**

#### *Lawsuits concerning anonymity in public space*

Since 2014, Privacy First has conducted legal actions against (mandatory) number plate parking. In this regard, Privacy First chairman Bas Filippini won an administrative law case against the municipality of Amsterdam in early 2015: since then, motorists throughout the Netherlands are no longer required to enter their number plate code into a parking meter when parking. In early 2016, this judgment was confirmed by the Dutch Supreme Court. However, a new tax law case by the chairman of Privacy First to abolish number plate parking altogether and preserve the right to cash (i.e. anonymous) payment was rejected by the Amsterdam Court of Appeal in early 2019. On April 10 2020, the Supreme Court upheld this ruling. This case focused on a number of new fundamental legal questions surrounding number plate parking and the right to cash payment, most of which the Supreme Court unfortunately left unanswered. A multiple complaint by Privacy First against this Supreme Court ruling was unfortunately declared inadmissible by the European Court of Human Rights in April 2021 without any reasoning.

As a result of the rulings by the Amsterdam Court of Appeal and the Supreme Court, the earlier rulings (already upheld by the Supreme Court) stating that entering a number plate code in a parking meter is not compulsory, remain unaffected. Consequently, parking with a number plate code is and remains voluntary: any parking fine in the event that a number plate code is not entered in a parking meter must be annulled in objections and appeals, provided the parker can prove that he/she paid for the parking.



Privacy First brought these lawsuits to preserve and strengthen the right to anonymity in public space. This right has been under increasing pressure in recent years and is now in danger of becoming illusory. These lawsuits were conducted at a greatly reduced rate by Alt Kam Boer Attorneys in The Hague.

#### 4.6 Average speed checks

Other lawsuits by the former chairman of Privacy First concerned average speed checks on highways: without any specific legal basis and privacy safeguards, average speed checks constitute a massive, continuous privacy violation. However, in early 2018, the Haarlem District Court dismissed this criminal case, and so did the Leeuwarden Court of Appeal in July 2019. However, the Leeuwarden Court of Appeal refused to check the system of average speed checks against the right to privacy.



The case did show that all data (of innocent motorists) are stored for at least 72 hours and can be used for purposes other than traffic enforcement. Despite this, the Dutch Data Protection Authority has not intervened to date and Privacy First was forced to continue this case before the European Court of Human Rights (ECHR). However, at the end of August 2020, the ECHR declared this case inadmissible, barely providing any reasons for doing so. In this respect, the decision by the ECHR was both remarkable and incomprehensible. It argued that in this case national remedies had not been exhausted, while the Court of Appeal of Leeuwarden is the highest Dutch court in this type of cases and no further appeal in the Netherlands was possible. For the time being, this concludes our series of legal cases with regard to average speed checks. These cases were conducted at a greatly reduced rate by Alt Kam Boer Attorneys in The Hague.

#### 4.7 Individual lawsuits by privacy activist Michiel Jonker

Privacy First occasionally supports lawsuits by individual citizens, provided that such cases are of such nature that our support is indispensable. Moreover, these cases should be in the interest of positive precedent-setting and should have a societal impact, raise awareness and likely influence legislation and policy. The Arnhem-based privacy activist Michiel Jonker has brought several such cases in which privacy by design plays a central role. These cases relate to the preservation and promotion of travelling anonymously in public transport, the right to cash payment in public transport and other public places, the undesired compulsory use of electronic door locks and the introduction of anonymous municipal waste cards. For several years, Jonker has been conducting various enforcement proceedings on these issues before the Dutch Data Protection Authority, the Arnhem



District Court and the Council of State. Jonker has been successful at least in part: under pressure from his cases, the Data Protection Authority was forced by the courts to investigate the ‘anonymous’ public transport chip card and the personal waste card was declared unlawful. Moreover, Jonker’s lawsuits often lead to reporting in Dutch media and critical questions at the municipal and national level. Jonker conducts these cases almost entirely on his own, without a lawyer.

## 5. Communication

### 5.1 Mass media

In 2020, Privacy First was cited in the media several times a week most of the time. Our national media outreach has again become more diverse. Privacy First stood out in the media particularly for our critical, principled stances on Covid-19 policies. In addition to requests for interviews, Privacy First is regularly approached by journalists – some from foreign media – for background information and research tips.



*Interview with Privacy First director Vincent Böhre on the use of telecom data in the fight against the Coronavirus, Nieuwsuur 28 March 2020. © Nieuwsuur*

### 5.2 Online presence

The Privacy First websites are our primary way to share news and voice 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 addition, Privacy First manages our campaign websites: <https://specifieketoestemming.nl> (medical confidentiality), <https://psd2meniet.nl/en> (PSD2) and <https://privacyawards.nl> (Dutch Privacy Awards). The total number of visitors to our websites has grown to approximately 67,000 per month in 2020. Privacy First is also active on Twitter and we have our own LinkedIn group for privacy 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 website(s). 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 (Dutch Institution for General Benefit) certified foundation that largely consists of professional volunteers. In 2020, the core of Privacy First's organization consisted of Vincent Böhre (director and legal advisor) and Martijn van der Veen (project manager). As a necessary expansion of our workforce, Privacy First urgently needs more institutional support. The goal for the coming years is to raise more funds for the structural growth of our organization.

The board of Privacy First in 2020 consisted of the following individuals:

- Bas Filippini, founder and chairman (until September 2020)
- Ancilla van de Leest, general board member (and interim chairwoman since September 2020)
- Paul Korremans, treasurer
- Marc Smits, secretary.

Our advisory board consisted of the following individuals, in their personal capacity:

- Hans Franken (Emeritus Professor of Information Law, Leiden University)
- Quirine Eijkman (vice-chairwoman of the Dutch Human Rights Institute & Lecturer in Access to Law, Utrecht University of Applied Sciences)
- Wilmar Hendriks (privacy professional & executive coach, Control Privacy)
- Eva de Leede (advisor to the Minister of Economic Affairs and Climate Change)
- Joris Sprakel (lawyer in socio-economic human rights, Fischer Group; Lecturer Human Rights Law, The Hague University of Applied Sciences).

Privacy First's group of volunteers mostly consists of students and professionals who structurally support the foundation, not only as far as the actual work at hand is concerned (various privacy issues 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.

## 7. Finances

To carry out our activities, the Privacy First Foundation largely depends on individual donations and sponsorships by funds and law firms. Since 2015, Privacy First has been supported by the Democracy and Media Foundation; in 2017, this has become multi-year institutional support. Our Do-Not-PSD2-Me campaign has been supported by the SIDN Fund since May 2019. In addition, in 2019-2020, Privacy First was supported by the Digital Freedom Fund for its involvement in the lawsuit against System Risk Indication (SyRI). **Privacy First's donor base has grown rapidly in recent years and, despite the Coronavirus induced crisis, our revenues increased again in 2020 (9.3% compared to 2019).** Privacy First expects to be able to attract several domestic and foreign funds in the coming period in order to develop new projects and to strengthen and make more sustainable both our organization and activities.

In addition to financial support from individual donors and funds, Privacy First is also open to

corporate sponsorship, provided that we can continue to operate completely freely and independently. Since 2016, IT company Detron has supported Privacy First by supplying our office with computers and printers. Both our payroll and our financial administration are carried out by an external administration office which offers its services as a corporate sponsorship. Privacy First's websites are sponsored in part by provider Greenhost, while TechSoup Netherlands enables Privacy First to purchase software at a reduced price. Kaspersky has sponsored our use of antivirus software since 2017. Since the end of 2017, Privacy First is also supported by Voys Telecom. Our annual National Privacy Conference is sponsored by ECP | Platform for the Information Society and our Dutch Privacy Awards are partly sponsored by The Privacy Factory. Would your organization also like to sponsor Privacy First or the Dutch Privacy Awards? Please contact us!

Privacy First's policy is to spend as much of our income as possible on relevant matters and to keep its operational costs as low as possible. To this end, our communications (including by telephone) are effected largely over the Internet. Our campaigns and support activities are partly carried out by professional volunteers. Privacy First events are preferably organized at the premises of our own office or at locations sponsored externally. The procedural documents in our lawsuits are partly written by Privacy First, or supported by our own factual and legal research. Moreover, it is Privacy First's policy to conduct large-scale litigation in principle only as part of a coalition through the Public Interest Litigation Project (PILP), through Pro Bono Connect of the Dutch section of the International Commission of Jurists (NJCM), or by means of external sponsorship. We do so to spread the costs and financial risks and to increase the chances of legal success. In this way, every Euro donated to us will benefit the privacy of everyone in the Netherlands as effectively as possible.

Below is our 2020 financial overview. The sponsorship of lawsuits by law firms is not included.

<b>Annual overview</b>	<b>2020</b>	<b>2019</b>
<b>Revenues:</b>		
Donations and funds	€ 113,514	€ 103,827
<b>Expenditures:</b>		
Personnel costs	€ 70,588	€ 71,558
Legal costs	-	-
Campaign costs	€10,702	€ 4,643
Events	€ 3,482	€ 3,012
Housing	€ 8,352	€ 8,136
Banking and insurance	€ 2,106	€ 2,443
Travel expenses	€ 677	€ 1,191
Websites	€ 729	€ 1,170
Communications	€ 354	€ 787
PO box and postage	€ 353	€ 315
Office costs	€ 184	€ 509
Representation expenses	-	€ 136
Expense allowance scheme	€ 519	€ 126
Training costs	€ 85	-
Subscriptions	€ 110	€ 216
Miscellaneous	€ 677	€ 634

Would you like to support Privacy First? Then please transfer a donation to 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). Your donations are therefore tax-deductible.



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