



Paradise Lost? Policing in the Age of Data Protection

3rd EDEN Conference on Data Protection in Law Enforcement
Copenhagen, 19-20 September 2019

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Objectives

The aim of this conference is to explore the practical implementation of EU data protection rules within the law enforcement sector and highlight some of the challenges that data protection experts face in light of developments in policing, society as a whole, and a rapidly changing criminal environment.

The conference will bring together internationally renowned practitioners from law enforcement and security authorities with privacy experts, academics and representatives from private industry and civil society.

Who should attend?

Law enforcement officials, data protection officers, members of Europol's Data Protection Experts Network (EDEN), cyber experts, data protection professional in the private and public sector, lawyers and other advisers in the area of data protection and compliance, academics.

Key topics

- Predictive policing: Policy and technical measures to respect fundamental rights
- The retention of telecommunication data: EU policy state of play and effect on criminal investigations
- The use of open sources in investigations in the digital space
- Data protection by design: Passenger Name Record (PNR) data and how to build a compliant "mass-surveillance" system
- The globalisation of criminal evidence: The CLOUD Act and eEvidence and their effects on private business and data protection obligations
- Access of law enforcement to smart devices

Language
English

Event number
319DP123

Organisers
ERA (Cornelia Riehle) in cooperation with the Danish National Police and Europol's Data Protection Experts Network (EDEN)

POLITI



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With the support of the Erasmus+ programme of the European Union

Paradise Lost? Policing in the Age of Data Protection

Thursday, 19 September 2019

08:00 Arrival and registration of participants

09:00 **Welcome and opening speech**
Christian Wiese Svanberg

09:15 **"For so I created them free and free they must remain."**

Panel 1: Q & A with The Ethical Hacker – What is the price of privacy?

Ralph Echemandia

10:00 **"Knowledge forbidden? Suspicious, reasonless.
[...] Can it be a sin to know? Can it be death?"**

Panel 2: A take on predictive policing

Prediction is a core part of policing: where should law enforcement resources be deployed to deter future crime? Where is a fugitive/suspect likely to be apprehended? Who is a potential next victim in need of protection? At the same time, there is justifiable concern over just how far to take prediction when backed by sophisticated computer analytics – when do you go too far in effectively trying and condemning an individual based only on a computer-calculated probability that a crime will be committed?

In this panel, we discuss the nuances of prediction in policing and the policy and technical measures that can help us respect fundamental rights.

Moderator: Julia Ballaschk

Panellists: Nico van Eijk, John Grant, Courtney Bowman

11:15 Coffee break

11:30 **"Our torments also may in length of time become our elements."**

Panel 3: Behind the scenes: The journey of the Danish National Police towards a data-driven police force

How does an organisation implement a data-driven approach? Analysts from the Intelligence-Led Policing Project in the National Centre of Investigation will give an insight into the challenges to governance and organization when pushing a traditionally analogue institution into the digital data-driven age.

12:15 Lunch

13:00 **Panel 4: Return of the walking dead – data retention on its way back to EU level?**

After having been on the agenda for more than a decade, the utility and lawfulness of retained telecommunications data is still being debated in court rooms and legislatures across Europe. Some argue that this is creating a mosaic of different national practices, hindering the transnational prevention and investigations of serious crime and terrorism. For others, this mosaic reflects a state of play where EU citizens cannot rely on their fundamental rights being equally protected in all EU member states.

In this panel, we will discuss the state of play and way forward. We explore how criminal investigations have been affected in Germany, which has severely restricted the use of communications data by the police.

Moderator: Jan Ellermann

Panellists: Jana Ringwald, Jan Ellermann, Nora Ni Loidean, TJ McIntyre

14:15 Networking Coffee break

Speakers*

1. **Philipp Amann**, Europol Cybercrime Center EC3, The Hague
2. **Courtney Bowman**, Privacy and Civil Liberties Specialist, Palantir Technologies, Palo Alto
3. **Tjabbe Bos**, Policy Officer, Cybercrime Unit, DG Migration and Home Affairs, European Commission, Brussels
4. **Fanny Coudert**, Legal Officer, European Data Protection Supervisor, Brussels
5. **Daniel Drewer**, Data Protection Officer, Europol, The Hague
6. **Ralph Echemandia**, "The Ethical Hacker", Los Angeles
7. **Nico van Eijk**, Professor of Media and Telecommunications Law and Director of the Institute for Information Law, University of Amsterdam
8. **Jan Ellermann**, Senior Specialist, Data Protection Office, Europol, The Hague
9. **fukami**, Security Consultant, Brussels
10. **John Grant**, Privacy and Civil Liberties Engineer, Palantir Technologies, Palo Alto
11. **Peter Kimpian**, Data Protection Unit, Council of Europe, Strasbourg
12. **Mika Lauhde**, Vice-President Cyber Security & Privacy, Huawei Technologies
13. **TJ McIntyre**, Digital Rights Ireland, Dublin
14. **Hiroshi Miyashita**, Associate Professor of Law, Chuo University, Tokyo
15. **Bijan Moini**, Legal Counsel, Gesellschaft für Freiheitsrechte (Society for Civil Rights), Berlin
16. **Nora Ni Loidean**, Lecturer in Law and Director of the Information Law and Policy Centre, Institute of Advanced Legal Studies, University of London
17. **Jana Ringwald**, Public Prosecutor, Cybercrime Center, Frankfurt am Main Prosecutor General's Office, Gießen
18. **Pia Voldmester**, Bruhn & Hjejle, Copenhagen
19. **Christian Wiese Svanberg**, Data Protection Officer, Danish National Police, Copenhagen

* additional speakers will be added

14:30 "What is dark within me, illumine."

Panel 5: Using open sources while investigating in the digital space.

A stolen bike sold on Ebay – may the police save information about sellers and buyers? What about *all* public information on Ebay? Or what about a database of hacked Gmail-accounts which has been published on the so-called Dark Web? In this panel, we will discuss real life examples of the use of open sources in digital investigations. To what extent does data protection legislation apply to information which is already public? How can organisations like law enforcement tackle the technical obstacles of using open source information and work with large data sets?

Panellists: Fukami, Fanny Coudert

15:45 "Solitude sometimes is best society."

Panel 6: Privacy challenges in cross-border sharing of e-evidence

The globalisation of criminal evidence is creating significant challenges for law Enforcement. Traditional cross-border mechanisms such as Mutual Legal Assistance Treaties are too slow and not suited to the type of evidence requested. Recently, the US and the EU Commission responded with legislation which will equip law enforcement authorities with the powers to gather data outside their territories. This panel explores the conflicts of laws that might arise when police seek to obtain data subject to foreign jurisdictions.

Moderator: Christian Wiese Svanberg
Panellists: Tjabbe Bos, Pia Voldmester

17:00 Social event

Friday, 20 September

08:00 Check-in and conference registration

08:30 "Ah, why should all mankind for one man's fault, be condemned, if guiltless?"

Panel 7: Building a mass surveillance system – the case of PNR

Since the entry into force of the EU PNR Directive in May 2018, EU law enforcement authorities have collected personal data of more than 350 million flight passengers. This information is i.a. used to identify "unknowns" – criminals, who have not yet been known to law enforcement. Critics claim that this mass surveillance of mostly innocent citizens violates the fundamental right to privacy. In this debate, we will explore whether and how police can design a mass surveillance system that complies with EU data protection principles, such as data protection by design and default

Panellists: Christian Wiese Svanberg, Bijan Moini

10:00 Coffee break

10:15 **Panel 8: Alexa, are you ready to support police investigations? Law Enforcement access to smart devices**

How useful is data stored on smart home devices for police investigations. "Internet of Things" (Alexa, FitBit etc.) clearly bring new conveniences to consumers, but what is the impact on fundamental rights? Which authorities should be authorised to access data on smart devices? In relation to what types of crimes should it be possible to access and use smart home data? What are the issues in relation to the introduction of IoT data as evidence in court proceedings? Eventually this panel will explore the impact of 5G technology on the possibilities for law enforcement to fight serious crime and terrorism.

Moderator: Daniel Drewer

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **9 CPD hours**.

Your contacts



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Save the date

Annual Conference on EU Border Management 2019

Trier, 26-27 September 2019

Countering Terrorism in the EU: Annual Conference 2019

Trier, 10-11 October 2019

Artificial Intelligence (AI) and the Criminal Justice System

Rome, 24-25 October 2019

Annual Conference on EU Criminal Justice 2019

Lisbon, 14-15 November 2019

Dealing with New Challenges in Relation to Migrant Smuggling

Trier, 5-6 December 2019

For programme updates: www.era.int
Programme may be subject to amendment.

Panellists: Hiroshi Miyashita, Mika Lauhde, Peter Kempian, Philipp Amann

11:30 Closing session
Christian Wiese Svanberg and Daniel Drewer

11:45 Takeaway lunch

12:30 **Closed session – Law enforcement DPO only**

Sessions:

- Everyday challenges in the life of a law enforcement DPO: workshop on the practical implementation of the Law Enforcement Directive
- Data protection by design – the ADEP-project
- Pro-active auditing of data processing in interoperable information systems

Registration

Paradise Lost? Policing in the Age of Data Protection

Copenhagen, 19-20 September 2019 / Event Number: 319DP123



Registration

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Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**	Law enforcement representatives and members of EDEN
Registration before 19/07/2019	€ 440,00	€ 264,00	€ 330,00	€ 250,00
Registration before 19/08/2019	€ 495,00	€ 297,00	€ 371,25	€ 250,00
Registration after 19/08/2019	€ 550,00	€ 330,00	€ 412,50	€ 250,00

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- Fellows of the European Law Institute

** Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration).
- Full-time staff of universities or comparable academic institutions,
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation

Method of payment

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