

# PARADISE LOST? POLICING IN THE AGE OF DATA PROTECTION.

Conference

3rd EDEN Conference on Data Protection in Law Enforcement.



## 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), 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 globalization 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

REGISTER TO THE EVENT

## PROGRAMME

- › Panel 1: Q&A with The Ethical Hacker – What is the price of privacy?
- › Panel 2: A take on predictive policing
- › Panel 3: Behind the scenes: The journey of the Danish National Police towards a data-driven police force - *case study*
- › Panel 4: Return of the walking dead – is data retention back at EU level?
- › Panel 5: Using open sources while investigating in the digital space.
- › Panel 6: Privacy challenges in cross-border sharing of e-evidence
- › Panel 7: Building a mass surveillance system – the case of PNR debate
- › Panel 8: Alexa, are you ready to support police investigations? Law Enforcement access to smart devices
- › Closed session – Law enforcement only

## THURSDAY, 19 SEPTEMBER 2019

08:00 - Arrival and Registration of participants (breakfast and coffee)

09:00 - Welcome and opening speech by Christian Wiese Svanberg, DPO, Danish National Police

### PANEL 1 (09:15): Q&A WITH THE ETHICAL HACKER – WHAT IS THE PRICE OF PRIVACY?

“For so I created them free and free they must remain.”

RALPH ECHEMANDIA, THE ETHICAL HACKER (Key note speaker)

Ralph Echemandia is a world-renowned cyber security expert, speaker and entrepreneur known internationally by his alter ego “The Ethical Hacker”, Los Angeles.

10:00 - Coffee break

### PANEL 2 (10:15): A TAKE ON PREDICTIVE POLICING

“Knowledge forbidden? Suspicious, reasonless. [...] Can it be a sin to know? Can it be death?”

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 who needs 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.

NICO VAN EJIK (Panellist)

Professor of Media and Telecommunications Law and Director of the Institute for Information Law, University of Amsterdam

JOHN GRANT (Panellist)

Privacy and Civil Liberties Engineer Palantir Technologies, Palo Alto

COURTNEY BOWMAN (Panellist)

Palantir Technologies developer on predictive policing tools, Palo Alto

JULIA BALLASCHK (Panel Moderator)

The Danish National Police, Copenhagen

### PANEL 3 (11:30): BEHIND THE SCENES: THE JOURNEY OF THE DANISH NATIONAL POLICE TOWARDS A DATA-DRIVEN POLICE FORCE - *CASE STUDY*

"Our torments also may in length of time Become our Elements."

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

## **PANEL 4 (13:00): RETURN OF THE WALKING DEAD – IS DATA RETENTION BACK AT 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 courtrooms 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.

JANA RINGWALD (Panellist)

Public Prosecutor, Cybercrime Center, Frankfurt am Main

DR NORA NI LOIDEAIN (Panellist)

Director and Lecturer in Law of the Information Law and Policy Centre at the Institute for Advanced Legal Studies (IALS), London, UK

DR TJ MCINTYRE (Panellist)

Digital Rights Ireland, Dublin

JAN ELLERMANN (Panel Moderator)

Senior Specialist in Europol's Data Protection Office, the Hague

14:15 - Coffee break

## **PANEL 5 (14:30): USING OPEN SOURCES WHILE INVESTIGATING IN THE DIGITAL SPACE.**

"What is dark within me, illumine."

A stolen bike sold on Ebay – may the police save information about sellers and buyers? What about all public information on Ebay? Or a database over hacked Gmail-accounts which has been published in 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 already public information? How can law enforcement tackle the technical obstacles of using open source information and work with large data sets?

FUKAMI (Panellist)

Security consultant, Brussels

FANNY COUDERT (Panellist)

Legal Officer European Data Protection Supervisor, Brussels

## **PANEL 6 (15:45): PRIVACY CHALLENGES IN CROSS-BORDER SHARING OF E-EVIDENCE**

"Solitude sometimes is best society"

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.

TJABBE BOS (Panellist)

EU Commission DG Home Cybercrime Unit, Brussels

PIA VOLDMESTER (Panellist)

Bruhn & Hjejle, Copenhagen

CHRISTIAN WIESE SVANBERG (Panel Moderator)

DPO, Danish National Police

17:00 - Social event

08:00 - Check-in and conference registration

## PANEL 7 (08:30): BUILDING A MASS SURVEILLANCE SYSTEM – THE CASE OF PNR DEBATE

“Ah, why should all mankind for one man's fault, be condemned, if guiltless?”

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.

CHRISTIAN WIESE SVANBERG (Panellist)  
DPO, Danish National Police, Copenhagen

BIJAN MOINI (Panellist)  
Legal Counsel, Gesellschaft für Freiheitsrechte (Society for Civil Rights), Berlin

10:00 - Coffee Break

## PANEL 8 (10:15): 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.

HIROSHI MIYASHITA (Panellist)  
Associate Professor of Law, Faculty of Policy Studies, at Chuo University, Tokyo

PETER KIMPIAN (Panellist)  
Data Protection Unit, Council of Europe, Strasbourg

MIKA LAUHDE (Panellist)  
Huawei Vice-President Cyber Security & Privacy and Global Public Affairs

PHILIP AMANN (Panellist)  
Europol Cybercrime Centre EC3, the Hague

DANIEL DREWER (Panel Moderator)  
Data Protection Officer at Europol, the Hague

11:30 - Closing session

11:45 - Takeaway lunch

## CLOSED SESSION (12:00) – LAW ENFORCEMENT ONLY

- › Creation of data protection culture and training
- › Everyday challenges in the life of a law enforcement DPO: Workshop on the practical implementation of the Law Enforcement Directive
- › Handling of data subject access requests
- › Relationship with supervisory authority

## WHEN

19 - 20 September 2019

## WHERE

Copenhagen

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