



ANNUAL REPORT 2012

Privacy First Foundation
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1. Introduction

Preserving freedom and privacy in the Netherlands has been Privacy First's mission since its founding in 2009. In our annual report of 2011 we outlined a positive change that has been ongoing since that time (despite resistance): privacy climbs ever higher on the social and political agenda. Whereas the attention reserved for privacy in the media increases, the privacy-awareness of citizens equally augments. In the meantime Privacy First has conquered a strong position in the Netherlands. Privacy becomes mainstream. *Privacy is the new green!* We are keen to elucidate on this below.

2. Policy pillars

Since 2009 Privacy First's main area of work is biometrics: recognizing people by their physical attributes, for example fingerprints and facial scans. Furthermore, Privacy First focussed on road pricing and 'smart energy meters'. In 2010 and 2011 our area of work has expanded to the following policy themes: the Electronic Health Record (*Elektronisch Patiëntendossier*, EPD), the public transport chip card (OV-chipkaart), Privacy Impact Assessments, privacy by design, camera surveillance (ANPR & @migo-Boras) and profiling. In 2012 we added the theme "privacy and secret services" to this list. The more Privacy First is developing itself internationally, the more our focus will come to lie outside of the Netherlands in the coming years.

2.1 Biometrics

2.1.1 Passport Trial by Privacy First

The new Dutch Passport Act of June 2009 made it compulsory for every Dutch citizen from the age of 12 upwards to give his or her fingerprints for a new passport or ID card. These fingerprints would be stored in a newly formed central travel documents administration for all sorts of purposes, among which criminal investigation and prosecution. This was ground for Privacy First and 22 co-plaintiffs (citizens) to take civil action against the Dutch State because of the violation of the right to privacy. In the Passport Trial Privacy First was (and still is) supported by Christiaan Alberdingk Thijm en Vita Zwaan of SOLV Attorneys. However, in February 2011 the district court of The Hague declared the Passport Trial inadmissible. Privacy First immediately appealed the inadmissibility. Under pressure from the Dutch House of Representatives the storage of fingerprints by municipalities was subsequently stopped and former Dutch Minister of the Interior Piet-Hein Donner announced the introduction of an ID card without fingerprints. The related legislative proposal for the revision of the Passport Act was presented to the House of Representatives by the Minister of the Interior Liesbeth Spies in October 2012. However, in this legislative proposal the coming into being of a central travel documents administration (with all the risks it entails) remains virtually intact.

Furthermore, in September 2012 the Dutch Council of State (*Raad van State*) decided to make a so-called request for a preliminary ruling to the European Court of Justice in Luxembourg with regard to the European Passport Regulation, which the Passport Act is based upon. In anticipation of the Court's response, all administrative proceedings by individual citizens against the Passport Act are put on hold for at least one and a half years, which means that encumbered citizens have to fend for themselves without valid identity documents. This led Privacy First to continue its appeal in the Passport Trial. To this end, Privacy First and 19 co-plaintiffs (citizens) presented an [extensive Statement of Appeal](#) to the Court of Appeal in The Hague in December 2012. Privacy First hopes that the Court will declare our Passport Trial admissible before the summer of 2013. Furthermore, Privacy First hopes that an ID card without fingerprints will be introduced as soon as possible (in October 2013 at the latest) and that prior to that people who, for whatever reason, don't want to have their fingerprints taken for an ID card, will be offered a temporary solution. Moreover, the compulsory taking of fingerprints for passports should be abrogated at the European level. In this respect Privacy First has pressed both the responsible Minister as well as the House of Representatives on multiple occasions.



Passport Trial by Privacy First et al., Palace of Justice, The Hague © Guus Schoonwille

2.1.2 Municipality Guarantee Letter

Alongside our Passport Trial and our political lobby, at the beginning of 2010 Privacy First brought a so-called Municipality Guarantee Letter into circulation: with this model letter every citizen was able to have his or her municipality declare that it is responsible for any damage caused by a possible loss or abuse of stored fingerprints. After the storage of fingerprints by municipalities had for the greater part been stopped in the summer of 2011, Privacy First updated the Municipality Guarantee Letter to the new Municipality Guarantee Letter 2.0. This protest letter is aimed against the compulsory taking of fingerprints for passports and ID cards.

The letter can be downloaded on the website of Privacy First (under 'Actions'); click [HERE](#). Thousands of citizens have already made use of the letter with satisfaction.

2.1.3 FOIA procedures concerning the Passport Act

The development of the new Passport Act goes back to the late 90's and over the years has been characterized by a lack of transparency, the Scientific Council for Government Policy (*Wetenschappelijke Raad voor het Regeringsbeleid*, WRR) ascertained at the end of 2010. Many relevant government documents have never been (and still aren't) made public and the governmental departments involved largely remained out of sight of the citizen. For Privacy First this was an incentive to file a Freedom of Information Act (FOIA) request in order to still bring about as much transparency as possible. On the basis of our FOIA request Privacy First was sent dozens of relevant documents (through partial decisions) by the Ministry of the Interior since June 2011. The content of these documents confirms that the introduction of fingerprints in travel documents (passports and ID cards) is an intransparent, inefficient, disproportional and very costly measure. The documentation sent to Privacy First dates from the period 1998-2004. Therefore the end of this series of documents is not yet in sight.

In February 2012 Privacy First also filed a FOIA request to the Ministry of Defence to have figures about look-alike fraud with Dutch travel documents revealed. After all, the taking of fingerprints under the new Passport Act was especially meant to fight this type of identity fraud. However, statistics about look-alike fraud had never been made public. In March 2012 Privacy First received the *Statistic Annual Report on Document Fraud* from the Royal Netherlands Marechaussee (KMar, part of the Ministry of Defence) regarding the years 2008, 2009 and 2010. In May 2012 we received the one concerning 2011. From these annual reports it appeared that the number of ascertained cases of look-alike fraud with Dutch passports or ID cards on Dutch soil is in the order of a few dozens each year. This makes burdening the entire Dutch population with biometric passports and ID cards in order to fight such a small scale phenomenon a completely disproportional and therefore unlawful measure.

All the documentation was [integrally published on the website of Privacy First](#). In case necessary Privacy First will not hesitate to continue this FOIA procedure in court.

2.1.4 Biometrics and the US Patriot Act

In February 2012 Privacy First published a [critical report](#) about the access to central and decentral (municipal) storage of fingerprints by domestic and foreign secret services. This report subsequently led to Parliamentary questions (by MP Gerard Schouw, D66) and questions in European Parliament (Dutch MEP Sophie in 't Veld, D66) about the access to fingerprints by the US government under the notorious US

Patriot Act. In response to these questions both the Minister of the Interior Liesbeth Spies as well as the European Commission were beating about the bush. However, there has been a consultation and new agreements have been made between the Ministry of the Interior and the passport manufacturer Morpho in Haarlem. As long as the US Patriot Act remains in force the risk of American authorities having access to Dutch fingerprints (and other, possibly sensitive personal data on European territory) remains as high as ever.

2.2 Privacy First's ratification of the Earth Charter

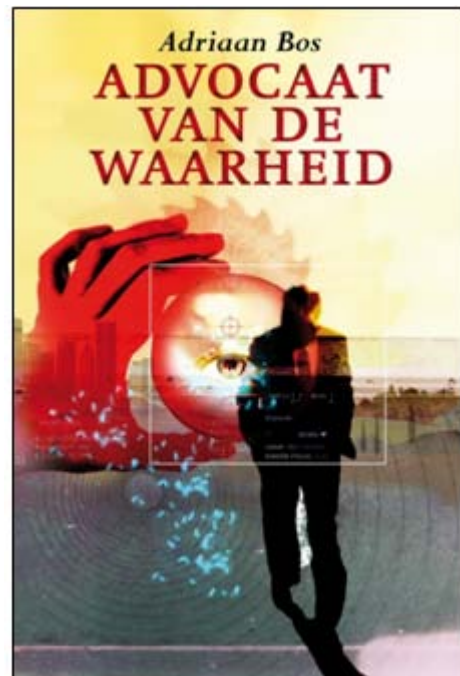
Apart from the Universal Declaration of Human Rights (UDHR) and European privacy legislation, Privacy First is also inspired by the international Earth Charter. The Earth Charter dates from 2000 and constitutes a blueprint for a righteous, sustainable and peaceful world. For Privacy First this means a sustainable information society in which everyone's right to privacy is optimally safeguarded. Our declaration of endorsement of the Earth Charter dates from 29 March 2012 and can be found online [HERE](#).



2.3 Publication of the book *Advocate of the Truth*

In March 2012 former attorney Adriaan Bos of Van Doorne Attorneys presented his thrilling first novel *Advocaat van de waarheid* (*Advocate of the Truth*). Privacy First attended the festive presentation and financially supports the translation of the book to English. During his speech at the presentation, Privacy First's chairman Bas Filippini described the novel as follows:

"With his novel Adriaan Bos puts the finger on the sore spot by outlining an extreme situation like a pandemic as a reason to put microchips in all people, the ultimate assault on our privacy. This vivacious novel reads like a Da Vinci Code and contains the life lessons of a writer like Paulo Coelho. It's a fascinating book which mixes thriller and spirituality characteristics and is written with today's society close in mind."



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Everyone who donated 25 euros or more to Privacy First in November and December of 2012 received a free signed copy of the novel as a gift for Christmas. Due to continuous interest in the book this promotional campaign has since then

been extended on a monthly basis. Privacy First expects that the English translation of the book will come out on the international market midway through 2013.

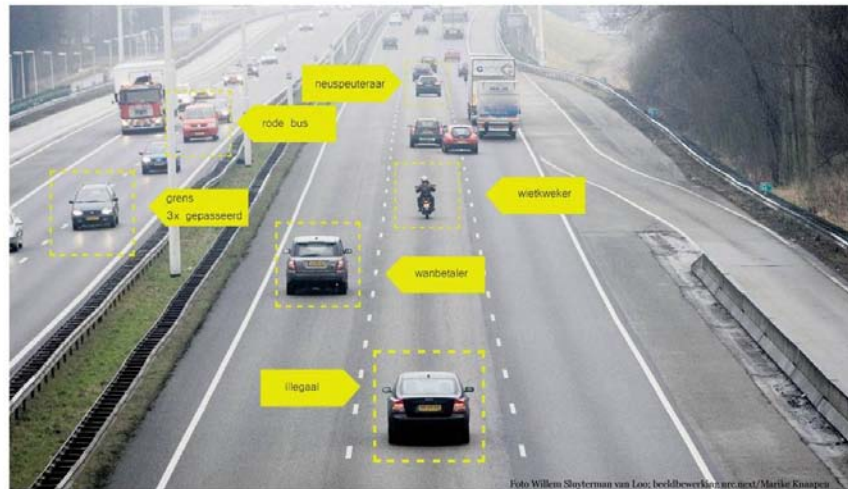
2.4 Border control system @migo-Boras

One of the most draconian Dutch control measures of recent years is the camera system @amigo-Boras of the Royal Netherlands Marechaussee (KMar): with this system a large amount of car traffic at Dutch-Belgian and Dutch-German border crossings is automatically screened and profiled, regardless of whether the motorists are suspects of a crime. At the behest of Germany the European Commission has, since the end of 2011, looked into the extent to which the @migo-Boras system violates the Schengen Agreement and European privacy regulations. After relatively superficial examination, in June 2012 'Brussels' came to the conclusion that so far there doesn't appear to be any such violation, especially because in the meantime the Netherlands had promised to operate the system for 'only' six hours a day, or ninety hours a month (instead of 24/7). Here the European Commission conveniently turned a blind eye to the fact that the entire system lacks a specific legal basis (including privacy guarantees)... Partly because of this Privacy First reserves the right to have the lawfulness of a number of elements of @migo-Boras verified by a judge, for example in conjunction with a new lawsuit by Privacy First against Automatic Number Plate Recognition.

2.5 Automatic Number Plate Recognition (ANPR)

One of the established rights of our democratic constitutional State is that the government in principle may only violate the privacy of the citizen in the event of a reasonable suspicion of a crime. However, in recent years the Dutch government has betrayed this classic principle. The most notorious example is the new Dutch Passport Act. Even though the storage of fingerprints under the Passport Act has by now been temporarily halted, the Dutch population is at risk of again becoming victim of privacy violations on a comparable scale, this time through Automatic Number Plate Recognition (ANPR). Despite negative standpoints from, among others, the Dutch Data Protection Authority (*College Bescherming Persoonsgegevens*, CBP), the Dutch Council of State (*Raad van State*), the Dutch section of the International Commission of Jurists (NJCM) and Privacy First, at the beginning of 2013 the Dutch Minister of Security and Justice Ivo Opstelten presented a legislative proposal to store the number plates of all motorists on Dutch highways for four weeks through camera surveillance for criminal investigation and prosecution purposes. Privacy First has always opposed the storage of travel movements of innocent citizens. In case Opstelten's proposal is to be turned into legislation by the Dutch Parliament, Privacy First and co-plaintiffs (citizens) will issue a summons against the Dutch State and have the law declared unlawful by the judiciary on account of a massive violation of the right to privacy. Would you like to participate in this lawsuit? Then please register with us, stating "ANPR Trial". We are also very pleased with any donations to support this lawsuit.

Privacy First wenst u een privacyvriendelijk 2012!



Als het aan dit kabinet ligt zijn uw privacy en vrijheid in het verkeer binnenkort voorgoed verleden tijd. Reden voor Privacy First om een rechtszaak voor te bereiden tegen de geplande invoering van automatische nummerplatherkenning (ANPR). Steunt u ons hierin? Maak dan een gift over naar rekeningnr. 495527521 t.n.v. Stichting Privacy First te Amsterdam!

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

Privacy First New Year's Greeting, January 2012.

Photograph Willem Sluyterman van Loo; image processing nrc.next/Marika Knaapen

2.6 Body scanners on the streets?

In June 2012, it became known that the Amsterdam police was looking into the possible introduction of mobile body scanners with X-rays(!) to be used on the streets. Privacy First immediately requested the Amsterdam city council to prohibit this. In case the police will still proceed with the introduction of body scanners, then Privacy First will not hesitate to take both the Amsterdam police force as well as the responsible mayor Eberhard van der Laan to court on account of the violation of 1) privacy, 2) human dignity, 3) the presumption of innocence, 4) freedom of movement, 5) bodily integrity and 6) the health of all Amsterdam citizens. The introduction of mobile X-ray scanners actively imperils both the privacy as well as the health of innocent citizens.

2.7 Electronic Health Record

Due to privacy and security objections the Dutch Senate unanimously binned the national Electronic Health Record (*Elektronisch Patiëntendossier*, EPD) in April 2011. Subsequently, a small group of market parties concerned (among which health insurance companies) continued working on a private restart of virtually this same EPD, through a National Switch Point (*Landelijk Schakelpunt*, LSP). Privacy First has repeatedly raised the alarm about this in the media and in politics. A positive change since then is that an *opt-in* system – rather than an *opt-out* system as was

previously the case – is now part of the design of the EPD: participation of the citizen in the EPD can only occur through an explicit and informed authorization beforehand. However, in the current design this authorization is so broad and generic (and often ill-informed) that it severely jeopardizes the medical privacy of citizens and professional confidentiality of doctors. Therefore, Privacy First's approach is still that of an alternative EPD with a regional character that fully complies with the modern requirements of privacy by design: technically guaranteeing privacy from scratch.

2.8 Privacy Impact Assessments & privacy by design

Two principal issues Privacy First has continuously insisted on since its founding are the introduction of compulsory Privacy Impact Assessments and privacy by design. Prior to the introduction of new legislation or a new policy, it should first be thoroughly and independently examined to what extent the privacy of citizens can be violated by such measures. Moreover, there should be a strict test of the fundamental privacy requisites, among which are the necessity and the proportionality of the measure concerned. Privacy-sensitive ICT systems are to comply with privacy by design from scratch, for example by making use of privacy enhancing technologies. In 2011 both the Dutch Senate as well as the House of Representatives accepted motions that compel the government to make use of Privacy Impact Assessments and privacy by design. Subsequently, the cabinet embraced these motions, albeit with some hesitation and with shortcomings in the execution: up until now there are hardly any actual, thorough, independent and public Privacy Impact Assessments and the government does too little to actively stimulate privacy by design. Therefore Privacy First will continue to audit whether improvements are made in this area.

2.9 Revision of Article 13 of the Dutch Constitution (right to confidential communication)

In October 2012, Privacy First was requested by the Dutch Ministry of the Interior to react to a draft legislative proposal to revise Article 13 of the Dutch Constitution. On the one hand, the legislative proposal rightly upgrades the old confidentiality of postal mail, telephone and telegraph to a technically independent confidentiality of (e)mail and telecommunication. On the other hand, in the proposal the domain of national security is excluded from judicial supervision. In its comments Privacy First has therefore advocated for the presence of judicial supervision within the security domain. Moreover, in Privacy First's view, (telecom) traffic data also need to fall within the scope of a revised Article 13 of the Constitution. Furthermore, Privacy First advises to include compulsory notification in a new Article 13 of the Constitution in order to inform citizens in the event of government infringements on one's confidentiality of (e)mail and telecommunications. After all, this reinforces the legal protection for citizens and contributes to the correct enforcement of the law by the government, also in the security domain. Just like judicial authorization it

offers the best guarantees against violations on both the short as well as the long term. Privacy First hopes that a final legislative proposal in line with [our advice](#) (and similar recommendations from other organizations) will be put forward in the Dutch House of Representatives midway through 2013.

3. Political lobbying

3.1 Locally

In 2012 Privacy First was increasingly being contacted by city council members from various cities for information and advice in order to define standpoints with regard to the local execution of the Dutch Passport Act (problems revolving around fingerprints), preventive searches and body scanners, Privacy Impact Assessments and camera surveillance. Moreover, Privacy First was invited by the Social Development Service (*Dienst Maatschappelijke Ontwikkeling*) of the city of Amsterdam for an expert meeting on privacy and themes concerning youth and family ('gezinsdossiers') (13 July 2012; click [HERE](#) for a report in Dutch).

3.2 Nationally

Apart from various emails to individual members of Dutch Parliament, in 2012 Privacy First sent the following press releases and letters to Parliament and the House of Representatives and (cc) to relevant Dutch officials:

- Press release dated 1 February 2012 about biometrics and secret services ('vingerafdrukken en AIVD', 'fingerprints and 'General Intelligence and Security Service');
- Press release dated 29 February 2012 with comments by Privacy First on the report by professor Roel Bekker about the Passport Act;
- Letter dated 5 March 2012 to the House of Representatives about the new European Privacy guideline (various aspects revolving around the right to collective legal action of NGOs);
- Press release dated 14 March 2012 about Dutch cabinet proposals for automatic risk profiles of all airplane passengers (Pardex, Passenger Related Data Exchange) and profiling of all benefit recipients (the fight against fraud through the coupling of files);
- Press release dated 20 March 2012 concerning the figures of look-alike fraud with Dutch travel documents (following a FOIA request by Privacy First filed at the Ministry of Defence);
- Press release dated 29 March 2012 concerning the ratification of the Earth Charter by Privacy First;
- Letter dated 18 April 2012 to the House of Representatives about the revision of the Passport Act (discontinuation of the taking of fingerprints for passports and ID cards);
- Press release dated 27 August 2012 following the introduction of the camera surveillance system @migo-Boras;
- Letter dated 27 October 2012 to Parliament about the legislative proposal concerning the regulation of prostitution (against central registration of prostitutes).
- Press release dated 18 December 2012 about the appeal in the Passport Trial by Privacy First *et al.*

Furthermore, Privacy First was the co-author and co-signer of the following letters of the Dutch Platform for the Protection of Civil Rights (*Platform Bescherming Burgerrechten*):

- Letter dated 29 February to Dutch Parliament about the legislative proposal concerning the regulation of prostitution (against central registration of prostitutes);
- Letter dated 21 May 2012 to all national political parties (various recommendations for election programs);
- Letter dated 31 July 2012 to the Dutch National Human Rights Institute under formation (*College voor de Rechten van de Mens, CRM*) (privacy as a policy pillar of the Institute);
- Letter dated 20 September 2012 to the informateurs Wouter Bos and Henk Kamp (various recommendations for the benefit of the formation of the Dutch cabinet).

3.3 Internationally

Since 2008, the human rights situation in each country is periodically reviewed by the United Nations. At the end of May 2012, it was the Netherlands' turn for this Universal Periodic Review (UPR). At the end of 2011, Privacy First presented a [shadow report about the Netherlands](#) to the UN Human Rights Council in Geneva.

The main recommendations in our report were the following:

- No national biometric database, not even in the long run;
- No introduction of mobile fingerprint scanners;
- Introduction of a truly anonymous OV-chipkaart (Public Transport chip card);
- No introduction of Automatic Number Plate Recognition (ANPR) as currently envisaged;
- Transparency and suspension of the new border control system @migo-Boras;
- A voluntary, regional instead of national Electronic Health Record System with 'privacy by design';
- Proper legislation concerning the profiling of citizens.

In the run up to the Dutch UPR session there were two consultation meetings in The Hague between the Netherlands national government (Ministry of the Interior) and relevant NGOs (among which Privacy First). At the behest of Privacy First a separate section on privacy was subsequently incorporated in the Dutch UPR State report. Moreover, meetings between Privacy First and embassies (France, Poland and Romania) took place in the Hague and in Geneva (Austria). From these meetings it appeared that certain concerns from Privacy First about the Dutch situation were shared by others. During the UPR pre-session in Geneva (4 April 2012) Privacy First also elucidated on its shadow report in a speech in front of international diplomats. It was remarkable to see that the secretariat of the UN Human Rights Council had literally copied a passage about profiling from Privacy First's shadow report in its own UN compilation report on the Netherlands for the benefit of other UN Member States. During the [UPR session on 31 May 2012](#) critical remarks and questions about privacy in the Netherlands were made by the United Kingdom, Estonia, Morocco, the Philippines, Greece, India, Russia and Uzbekistan, especially with regard to the protection of personal data, preventive searches and

ethnic profiling. On behalf of the Netherlands the Dutch Minister of the Interior Liesbeth Spies emphasized in her answers, among other things, the importance of compulsory Privacy Impact Assessments and a “thorough scrutiny test”. In its State report for the Human Rights Council the Netherlands had previously declared the following:

“Partly in response to concerns expressed in Parliament, certain policy measures that impact on privacy are currently being modified, as for example the discontinuation of the storage of fingerprint data on national ID cards and within the passport database.”

All in all Privacy First deems this to be a decent result, especially when realizing that privacy hardly played any role at all during previous UPR sessions of the Human Rights Council.

4. Communication

4.1 Mass media

In 2012 the national media outreach of Privacy First has widened and has become more diverse relating to its content. Apart from requests for interviews, Privacy First is increasingly called upon by journalists for background information and research suggestions. Since the end of 2011, Privacy First also appears in foreign (especially German) media because of the developments in the Netherlands with regard to the border control system @migo-Boras. Below is a selection of our appearances in the media in 2012:

- WDR Radio (Germany), 1 Jan. 2012, 'Big Brother an der deutsch-niederländischen Grenze' ('Big Brother at the German-Dutch border')
- ARD Tagesschau.de (Germany), 1 Jan. 2012: 'Überwachung an niederländischen Grenzen - Der holländische "@migo-Boras"' ('Surveillance at the Dutch border – the Dutch "@migo-Boras"')
- Deutsche Welle (Serbian edition), 2 Jan. 2012: 'Holandija zagovara virtuelnu kontrolu granica' ('The Netherlands wants virtual border control')
- Nezavisne Novine (Bosnia-Herzegovina), 2 Jan 2012: 'Holandija krši Šengenski sporazum?' ('Does the Netherlands violate the Schengen Agreement?')
- Rzeczpospolita (Poland), 3 Jan. 2012: 'Schengen zagrożone' ('Schengen in danger')
- Zeit Online (Germany), 4 Jan. 2012: 'Niederländische Grenzkontrollen alarmieren Datenschützer' (Dutch bordercontrols worry data protectors')
- Deutsche Welle (Kroatian edition), 4 Jan. 2012: 'Kamere na granici Nizozemske' ('Camera's at the Dutch border')
- Various regional newspapers, 5 Jan. 2012: 'Digitale controle langs grens loopt vertraging op' ('Digital control alongside the border delayed')
- Leeuwarder Courant, 5 Jan. 2012: 'Digitale grenscontrole loopt vertraging op' ('Digital border control delayed')
- EénVandaag (TROS), 5 Jan. 2012: interview with Privacy First about the camera surveillance system @migo-Boras

- Nederlands Dagblad, 9 Jan. 2012: 'Omstreden digitale controle aan grens later ingevoerd' ('Controversial digital control at the border introduced at a later stage')
- Limburgs Dagblad, 10 Jan. 2012: 'Big Brother bij Bocholtz' ('Big Brother in Bocholtz')
- Jungle World (Germany), 19 Jan. 2012: 'Es piept verdächtig' ('It bleeps suspiciously')
- Aachener Zeitung (Germany), 24 Jan. 2012: 'Kameras sind da, die Probephase läuft' ('The cameras are in place, the pilot is ongoing')
- Ede FM, 8 March 2012: reaction by Privacy First on camera surveillance at industrial sites
- Radio 5 (IKON), 11 March 2012: 'De vingerafdruk die niet matcht' ('The fingerprint that doesn't match')
- NJBlog, 13 March 2012: 'Ruim baan voor belangenorganisaties' ('Make way for interest groups')
- NRC Handelsblad, 13 March 2012: 'Psychische kwaal hoeft niet op factuur te staan' ('Mental disorder need not be on the invoice')
- Radio 5 (NTR), 13 March 2012: interview with Privacy First about the coupling of files and risk profiling in the fight against benefit fraud)
- Volkskrant, 14 March 2012: 'De grenzen van onze privacy schuiven steeds meer op: vier vragen over bestanden koppelen in de strijd tegen bijstandsfraude' ('The boundaries of our privacy keep shifting: four questions about coupling files in the fight against benefit fraud')
- Various regional newspapers, 31 March 2012: 'Nauwelijks fraude met paspoorten' ('Hardly any fraud with passports')
- FunX Radio, 3 April 2012: interview with Privacy First chairman about fingerprints and other privacy violations
- Nieuwe Revu, 11 April 2012: 'En wéér is het mis met het paspoort' ('And again we've got faulty passports')
- Various regional newspapers, 17 April 2012: 'CBP laat zich te weinig zien in publiek debat' ('CBP is mostly absent from public debate')
- OWNI (France), 26 April 2012: 'Les eurodéputés ont la biométrie' ('MEPs have their biometrics')
- Platform Bescherming Burgerrechten, 8 May 2012: 'Registratiebewust of -belust in historisch perspectief' ('Registration awareness or eagerness in historical perspective')
- FunX Radio, 9 May 2012: interview with Privacy First about camera surveillance
- FunX Radio, 18 May 2012: interview with Privacy First about resistance in the House of Representatives against fingerprints in passports
- Nationaal Privacy Debat webcast, 29 May 2012: interview with Privacy First about the government and privacy
- Various regional newspapers, 6 June 2012: 'Meer valse paspoorten onderschept op Schiphol' ('More false passports intercepted at Schiphol airport')
- Groot Nieuws Radio, 18 June 2012: in-depth interview with Privacy First
- NU.nl, 27 June 2012: 'Amsterdam overweegt bodyscanners op straat' ('Amsterdam considers body scanners on the streets')
- Security.nl, 27 June 2012: 'Privacyclub dreigt politie met rechtszaak bij naaktscanner' (Privacy group threatens to sue police over body scanners')
- FunX Radio, 27 June 2012: interview with Privacy First about body scanners in Amsterdam
- Nederlands Dagblad, 28 June 2012, 'Amsterdam denkt over inzetten 'scanpalen'' ('Amsterdam pondering over the introduction of 'scan poles')
- Burgerzaken & Recht, 2 July 2012: 'Over 'kinderpaspoorten' en vingerafdrukken' ('On 'child passports' and fingerprints')

- Il Fatto Quotidiano (Italy), 6 July 2012: 'Amsterdam, polizia dotata di body scanner. "Strumento discriminatorio"' ('Amsterdam police equipped with body scanners. "Discriminatory instrument"')
- BNR Nieuwsradio, 13 July 2012: interview with Privacy First about "digital pillory"
- BNR Nieuwsradio, 1 Aug. 2012: interview with Privacy First about camera surveillance system @migo-Boras
- Novum, 7 Aug. 2012: 'Raad van State: geen paspoort zonder vingerafdruk' ('Council of State: no passport without fingerprint')
- Webwereld, 8 Aug. 2012: 'Raad van State: geen paspoort zonder vingerafdruk' ('Council of State: no passport without fingerprint')
- Associated Press TV, 23 Aug. 2012: interview with Privacy First about camera surveillance system @migo-Boras
- Novum, 27 Aug. 2012: 'Privacyclub overweegt stappen om grenscamera's' ('Privacy group considers legal action over surveillance cameras')
- Nederlands Dagblad, 27 Aug. 2012: 'Stichting overweegt zaak om camera's' ('Foundation considers legal action over surveillance cameras')
- Metro, 27 Aug. 2012: 'Privacyclub overweegt stappen om grenscamera's' ('Privacy group considers legal action over surveillance cameras')
- Telegraaf.nl, 10 Sept. 2012: 'Big Brother-systeem zet privacy automobilist aan kant' ('Big Brother system disregards privacy of motorists')
- Security.nl, 21 Sept. 2012: 'Hoofd AIVD geen voorstander van Big Brother' ('Head of Dutch Intelligence not in favor of Big Brother')
- RTV Oost, 25 Sept. 2012: interview with Privacy First about "digital pillory"
- Security.nl, 28 Sept. 2012: 'Geen vingerafdruk meer voor identiteitskaart' ('No fingerprints any more for ID card')
- Ravage Digitaal, 28 Sept. 2012: 'ID-kaart wordt vingervrij' ('ID card becomes fingerprint free')
- Radio 1 (AVRO), 28 Sept. 2012: interview with Privacy First following the Council of State's verdict on fingerprints
- Nederlands Dagblad, 29 Sept. 2012: 'Vingerafdruk paspoort ter discussie' ('Fingerprints for passports in dispute')
- Various regional newspapers, 29 Sept. 2012: 'Raad van State vraagt eerst advies aan Europees Hof - Vraagtekens bij vingerafdruk op paspoort' ('Council of State first asks European Court for advice – Question mark over fingerprints in passports')
- Electronic Frontier Foundation (United States), 15 Oct. 2012: 'Highest Court in the European Union to Rule on Biometrics Privacy'
- Radio Noord-Holland, 24 Oct.. 2012: interview with Privacy First about access to medical DNA by police and judicial authorities'
- Nederlands Dagblad, 26 Oct. 2012: "Elektronisch patiëntendossier: nieuw systeem, zelfde zorgen" ("Electronic Health Record: new system, same worries")
- Security.nl, 28 Oct. 2012: 'Privacywaakhond tegen prostitutie-database' ('Privacy watchdog against prostitution database')
- Webwereld, 1 Nov. 2012: column Arjen Kamphuis, 'Privacy, 10 jaar later...' ('Privacy, 10 years on...')
- Volkskrant, 21 Nov. 2012: 'We zullen alleen maar aan privacy gaan inleveren' ('Our privacy will simply diminish')
- Omrop Fryslân, 21 Nov. 2012: interview with Privacy First about DNA for criminal investigation
- Tweakers, 23 Nov. 2012: 'Organisaties roepen op tot respect voor digitale grondrechten' ('Organizations call for respect for digital fundamental rights')

- Metronieuws.nl, 23 Nov. 2012: 'Bestrijd hackers met expertise, niet met regels' ('Fight hackers with expertise, not with rules')
- Security.nl, 28 Nov. 2012: 'Geen vingerafdruk van biometrisch gewetensbezwaarden' ('No fingerprints of people with conscientious objections against biometrics')
- Webwereld, 4 Dec. 2012: 'Internationaal verzet tegen terughackplan Opstelten' ('International resistance against counter-hacking plans of Opstelten')
- Security.nl, 24 Dec. 2012: 'Security Tip van de Week: vermom je paspoort als boterham'. ('Security Tip of the Week: disguise your passport as a slice of bread')



*Interview with Vincent Böhre (Privacy First) about camera surveillance system
@migo-Boras*

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4.2 Specialist literature

Annotations to the Passport Trial by Privacy First have appeared in the following law journals:

- Prof. Roel Schutgens, annotation at the District Court of The Hague 2 February 2011 (Privacy First *et al.*/Netherlands, LJN: BP2860) in *Jurisprudentie Bestuursrecht* (JB) 2011/78;
- *Kroniek Bestuursrecht*, Nederlands Juristenblad (NJB) 2011/15 (p. 939);
- Prof. Tom Barkhuysen, *Ruim baan voor belangenorganisaties* ('Make way for interest groups'), NJB 2012/11.

Privacy First also appeared in *Privacy & Informatie* (December 2012, pp. 288, 298) and in the specialist magazine of the Dutch Association for Civil Affairs (*Nederlandse Vereniging voor Burgerzaken*, NVVB): *Burgerzaken & Recht*, 'Over 'kinderpaspoorten' en vingerafdrukken' ('On 'child passports' and fingerprints', 2012/5, p. 4). The [report by Privacy First about the National Privacy Debate 2012](#) was integrally published in *Privacy & Compliance* 2012/3-4 (pp. 46-49), while an article by Privacy First employee Vincent Böhre was published in the magazine *De Filosoof* (University of Utrecht): 'Het biometrisch paspoort als onbedoeld privacygeschenk' ('The biometric passport as an unintended privacy gift', April 2012, pp. 6-7).

4.3 Individual citizens

On a daily basis Privacy Firsts receives questions from citizens on a wide variety of privacy issues. In 2012 the following themes held sway:

- The compulsory taking of fingerprints for passports & ID cards;
- Camera surveillance system @migo-Boras (questions from Dutch, Belgian and German citizens);
- Municipal camera surveillance and camera surveillance in pubs, restaurants, clubs and shops;
- The use of ANPR data for traffic research, by pay and display machines and by tax authorities;
- Speed controls on highways;
- Biometrics used by employers and private service providers (for example temporary work agencies, sports centres, dvd stores);
- Compulsory payment with bank cards in shops and supermarkets (instead of paying cash);
- DNA examination for criminal investigation purposes;
- Medical privacy and Electronic Health Record;
- Preventive searches;
- OV chip card;
- Privacy at the workplace.

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

4.4 Internet

Privacy First's website is our primary way to share news and voice opinions. Apart from our Dutch website www.privacyfirst.nl, in 2012 Privacy First has been working hard on the recent launch of the English version (with a new slogan) www.privacyfirst.eu. Furthermore, in 2012 Privacy First was particularly active on Twitter. For 2012 active communication via Facebook is on the cards. Privacy First will also continue to reserve space for (possibly anonymous) guest columns and articles we may receive!

5. Events

In January 2012 Privacy First was again an official event supporter of the international Computers, Privacy & Data Protection (CPDP) conference in Brussels. Every year this very large convention brings together hundreds of European and North-American privacy experts from science, governments, companies and civil society. A large Dutch event where Privacy First stood on stage itself was the National Privacy Debate (World Forum The Hague, 11 June 2012). Furthermore, Privacy First delivered presentations at Amnesty International, Lions Club, VU University Amsterdam, the Humanist Association, Mondiaal Centrum Haarlem, UPR Info (Geneva), Humanity in Action, Dutch Resistance Museum, Van Doorne Attorneys, Urban Resort and, last but not least, the Dutch Police Academy.



Bas Filippini (Privacy First) during the National Privacy Debate, 11 June 2012

Photograph: Peter Boer

Symposiums and gatherings Privacy First actively took part in, in 2011, took place at the Dutch Data Protection Authority (*College Bescherming Persoonsgegevens, CBP*),

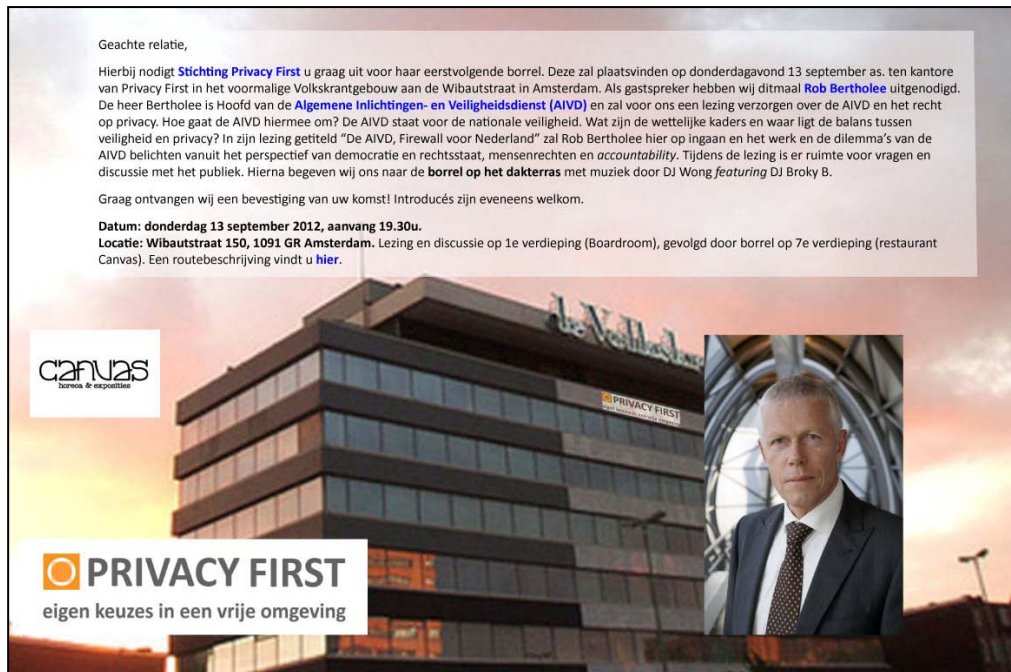
the Dutch section of the International Commission of Jurists (*Nederlands Juristen Comité voor de Mensenrechten*, NJCM), the Dutch Platform for the Protection of Civil Rights (*Platform Bescherming Burgerrechten*), Felix Meritis, the International Centre for Counter-Terrorism (ICCT), Privacy Platform (European Parliament), the Netherlands Organisation for Applied Scientific Research (TNO), the Netherlands Society of International Law (*Nederlandse Vereniging voor Internationaal Recht*), the Museum for Communication, University of Amsterdam, the Netherlands Intelligence Studies Association (NISA), the Dutch Equal Treatment Commission, the Dutch National Human Rights Institute under formation (*College voor de Rechten van de Mens*, CRM), ECP-EPN, the Amsterdam Privacy Conference, the Netherlands Broad Human Rights Dialogue (Breed Mensenrechten Overleg, BMO) and the Dutch Association for Media and Communications Law (*Vereniging voor Media- en Communicatierecht*, VMC). Apart from that, Privacy First participated in an art project called Faden 2.0 by Filia den Hollander (Volkskrant building), it was actively present at the opening of the *Ad de Jonge Centrum* (University of Amsterdam) and also attended the first showing of the privacy documentary *Panopticon*.

On a regular basis Privacy First organizes networking drinks and theme nights for our volunteers, donors and experts from our network of journalists, scientists, jurists and people working in ICT. In 2012 these gatherings took place at the Privacy First office in the former building of de Volkskrant newspaper in Amsterdam. In 2012 Privacy First organized book presentations with Dimitri Tokmetzis (*De digitale schaduw*, 'The digital shade') and Adriaan Bos (*Advocaat van de waarheid*, 'Advocate of the Truth'). Speakers at our public debates were Wil van Gemert (Director Cyber Security, NCTV) and Rob Bertholee (Head of the General Intelligence and Security Service, AIVD). Reports of both nights can be found on [our website](#).



Lectures at Privacy First by Rob Bertholee (left) and Wil van Gemert (right).

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



*Invitation to the quarterly networking drink by Privacy First, September 2012.
Speaker: Rob Bertholee (head of AIVD).*

6. Organization

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

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

Our group of volunteers has grown further in 2012 and largely comprises of professionals who structurally support Privacy First, both as far as the actual work at hand is concerned (various privacy themes) as well as in terms of organization (ICT, fundraising, PR and photography). Apart from that, Privacy First can rely on a large network of experts from all corners of society, varying from scientists and legal experts and people working in ICT to journalists, politicians and public officials.

Since March 2011, Privacy First is based in the former building of de Volkskrant newspaper at the Wibautstraat in Amsterdam. For Privacy First this is the perfect location: amidst an enormous diversity of young and passionate entrepreneurs, people working in ICT, artists and NGOs. The building has a unique atmosphere and energy to it, not least because of the restaurant and club with a roof terrace on the

top floor. Besides, this building offers all the facilities an organization like Privacy First requires for a fair price. The Volkskrant building has given Privacy First a positive impetus in every way and visitors frequently enjoy coming over as well. You're always welcome to pay us a visit!

7. Finances

To carry out its activities, the Privacy First Foundation is wholly dependent on donations. Since 2009 the number of Privacy First's donors has grown rapidly and has become more diverse, especially due to the Passport Trial and the broadening of our area of work. It's Privacy First's constant policy to spend as much of the donations on content related issues and to keep the operational costs as low as possible. In principle, travel and lunch expenses are to be paid for on one's own account, internal communication (also by telephone) is done mostly on the internet and expensive parties and other luxuries are out of the question for Privacy First. In this way every euro is spent as effectively as possible for the benefit of the privacy of every Dutch citizen.

Annual overview 2012 (Euro)

Revenues:

| | |
|-----------------------------|--------|
| Donations and sponsor money | 54.341 |
| Sublease | 1.591 |

Expenditures:

| | |
|---------------------|--------|
| Personel costs | 25.340 |
| Housing | 7.283 |
| Campaign costs | 5.000 |
| Events | 1.462 |
| Communications & PR | 1.267 |
| Office costs | 1.254 |
| Legal costs | 250 |

Would you like to support Privacy First? Then please donate on account number 49.55.27.521 in the name of Privacy First Foundation in Amsterdam. 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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