

The Right to Privacy in Denmark

Stakeholder Report for
UPR 24 – Denmark

Submitted by Privacy International and
IT-Political Association of Denmark

IT-Political Association

- Danish digital rights NGO
 - About 250 members
 - Volunteer organisation
 - Member of European Digital Rights (EDRi)
- Works to promote privacy, freedom and other citizens' rights in the information society
 - Surveillance (government and commercial)
 - Data protection and privacy
 - Data retention in Denmark and EU

The Danish anti-terrorism legislation

- Several anti-terror laws passed since 9/11
- No independent review of their effect, undesired consequences and proportionality
- Evidence-based evaluation recommended by NL in the first UPR cycle
- New laws are currently being adopted
 - Passenger Name Records (collection and profiling)
 - Targeted surveillance of Danish citizens abroad by DDIS in terror cases (court order, but weak level of suspicion)

Data retention

- Collection of telecommunications data about the entire population without any link to serious crime
- CJEU ruling April 2014: Data Retention Directive is in violation of Charter of Fundamental Rights
- Denmark still has a national data retention law
 - Session logging (retention of all websites visited) was repealed, but MoJ is considering to bring it back
- Review of Danish data retention law in 2016 after being postponed 3-4 times earlier

Interception of communication

- Wire tapping of telephone calls (court order)
- Data reading introduced in 2002
 - Access to information in a computer system using trojan software or other equipment
 - This is really state hacking (CNE)
 - Extremely intrusive form of surveillance
 - No information available about the use of this power
- An independent review of the state hacking (data reading) provision is urgently needed

Mass surveillance by defence intelligence agencies

- Mass surveillance of electronic communication
 - Allegations of foreign spying against Danish citizens, but the Government has refused to investigate
 - DDIS (Danish Defence Intelligence Services) have wide powers to collect communication in bulk, also about Danish citizens
- Intelligence sharing with other countries increase the surveillance of citizens' communication
- Discrimination against foreign citizens in DDIS law, for example no access to judicial redress

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