Ladies and Gentlemen,

Good morning! I am very pleased to welcome you at our Privacy-Enhancing Technologies today.

The European Commission is aware of the growing role that technology plays in the data protection field. Sometimes a negative role because of the very invasive nature of some technologies, as I am sure you have often read in the press or heard about it. But sometimes, and this is something we of course welcome, technologies can enhance the protection offered to personal data.

As it was announced by Commissioner Bolkestein during our international conference last autumn and has been clearly stated in the first implementation report of our Directive last May, the Commission has decided to make a more determined effort to encourage and promote the use and further development of PETs. The use of PETs is already an integral part of the Directive but the Commission realises that it is necessary to take additional measures to promote the use of these technologies.

The use of appropriate technological measures is essential and should be an integral part of the policy of those processing personal data. But I would like to make a clear statement on that respect: both legal and technical tools have a role to play and complement each other. It is not ‘either one or the other’. Technology will never replace the need for legislation but can complement it and maybe even fills some gaps.

Technology should in the first place be compliant with the legal rules in place. This is a first step and a very important one as we sometimes hear comments from data controllers who tell us that the use of certain technologies (hardware or software for instance) makes it difficult for them to comply with the legislation as it contains built-in features that imply collection of personal data or communication of these data to a third party. This should be avoided by all means and while it is true that technologies are often developed at a global level and it can not be expected that they only take as criteria our European legal system, it is not acceptable that technological tools make compliance with our legal rules impossible or very hard. It is necessary to keep an eye at the technologies in our market and monitor compliance. The Working Party article 29 has done a lot of interesting work in that field and has encouraged companies to take the data protection principles into consideration when developing their technologies.
Being in compliance is the first step but the technologies we are discussing today and we want to encourage go further than that: they are privacy ENHANCING. They offer more protection that merely complying with the existing rules, they offer individuals more protection by minimising the collection and use of personal data and hindering any unlawful forms of processing by, for instance, making it technically impossible for unauthorised persons to access personal data, so as to prevent the possible destruction, alteration or disclosure of these data. These are the real privacy-enhancing technologies.

The term PET is sometimes used to qualify technologies that are not really enhancing but that, in the best case, are compliant or that offer some features that can be considered as privacy-friendly, for instance facilitating easier ways to inform the data subjects. Of course technologies that are fully compliant with the directive or that have been developed in a privacy-friendly way are very welcome from our side, no doubt about it, but they should not be marketed as PETs. In some cases technologies presented as PET are not even privacy-compliant and this is a real issue as the average consumer or Internet user is not necessarily a privacy expert that is in the position of assessing the compliance of technological tools and can be unfairly mislead.

We consider that it should be possible for individuals to recognise the real PETs and that companies and institutions that develop, manufacture or use PETs should have positive incentives and be rewarded for their efforts. We therefore think that some form of certification or seal that would help users knowing what they can expect from technologies they are intending to use and allowing them making well-founded choices would be useful.

Often people think about PETs as being tools that individuals can buy and install on top of their normal hardware and software. This is the situation now and it is surely a good first step but in fact, the real challenge is to create integrated solutions, easy to recognise and easy to use so that PETS are already built-in and users do not have to go into additional expenses or trouble to get enhanced protection. Ideally speaking, companies and institutions should consider the use of PET at the moment of development of data processing systems and tools or when starting data processing operations. We should not put the burden on the end-user.

The European Commission is very conscious of its role and therefore understands that we are just one of the players in this field. We are certainly not the ones who can develop or market the technologies so we need to rely on the market willing to work together with us.

The public sector has also a crucial role to play. We have followed with great interest the introduction of several schemes by Data protection authorities (for instance in Germany and NL and in the future in France) or governments (for instance in Canada) to validate technologies or programmes involving data processing and we are very pleased to have experts from these countries here today to report about their experiences. The Commission thinks that similar schemes such as seals, certification systems or Privacy Impact Assessment systems could also be usefully put in place at European level but would like to reflect further as to the way in which such systems could work.

Other actors could also contribute to the promotion of PETs: consumer associations, Internet Service Providers, researchers, lawyers and consultants and possibly others. Private and public sector need to work together at different levels if we want to be successful in the promotion of PETs.
The intention of this workshop is to bring together the main experts and players in this field and if I look around the table I am confident we have managed to do so and we are very grateful you have taken the time and effort to be with us today. We hope that we can benefit from your expertise and contributions today, not only from the excellent speakers we have invited to make a short statement, but from everybody who is here today.

This workshop is the first step of our work in this field as announced in the implementation report. After this technical workshop, and taking on board all the valuable input we expect to receive from you today, the Commission will continue its reflection and intends to make further proposals.

We hope that our cooperation and interaction with you will not finish this afternoon at 17:30 but will continue, maybe in a less formal way, through exchange of information, ideas and expertise. We would very much welcome that.

I will not finish by saying, as you always hear when travelling by plane, sit down, relax and enjoy the workshop. We count on your participation and contributions for a successful work in this field!