

11TH EDEN CONFERENCE

{WHISPERERS} — of CONTRAST

Whisperers of Contrast

CHALLENGES AND OPPORTUNITIES FOR
DATA PROTECTION IN LAW ENFORCEMENT

11th EDEN Conference on Data Protection
in Law Enforcement

Madrid, 18-19 September 2023

Organisers:

Europol's Data Protection Experts Network (EDEN)

in cooperation with the Spanish Ministry of the Interior, Policía Nacional, Guardia Civil and ERA



Whisperers of Contrast – 11th EDEN Conference

'Whisperers of Contrast' conveys the idea of a nuanced and complex topic. The word "whisperer" suggests that there are hidden or subtle aspects to the subject matter, which may not be immediately obvious or easily accessible. This could refer to the fact that data protection in law enforcement involves balancing the need for effective policing with the need to protect the privacy and civil liberties of individuals.

The word "contrast" implies that there are conflicting viewpoints or opposing forces at play in this topic, such as the tension between security concerns and individual rights. The term could also indicate that there are differences in approaches to data protection in law enforcement across different jurisdictions or contexts.

Overall, 'Whisperers of Contrast' is a compelling and thought-provoking title that hints at the complexity and importance of the issues at hand, and is likely to capture the attention of attendees interested in exploring these topics in depth.

In popular culture, "Whisperers" are known as a group featuring in the Netflix Series "The Walking Dead". Appearing in Season 10 the "Whisperers" are described as a group that simply want to be left alone.

The 11th EDEN event intends to cover topics related to

- Key vulnerabilities of smartphones, smart home devices, and wearables and the potential impact on individuals and law enforcement
- Complexities and wider implications of new developments in technology, their intersection with cybercrime and their potential impact on security
- Risk management, collaboration, planning and communication, adaptability and agility in cyber security and data protection compliance
- Key challenges of DPOs in law enforcement organizations, best practices and strategies in the context of handling data in a compliant way and balancing access and use of personal data with the privacy rights of individuals
- Latest trends in facial recognition technology in law enforcement and their implications for data protection, including algorithms and their accuracy, facial recognition in real-time surveillance in conjunction with other biometric technologies and the use of super-recognizers in policing
- Obstacles the police face in order to recover information from mobile phones, the use of end-to-end encryption, and concerns about privacy and the potential for abuse
- Personal information exchange between intelligence services and law enforcement, benefits and risks of sharing such data, the view to military services, potential overlaps and possible violations of civil liberties and individual privacy

Objective

Join Europe's most exciting event on data protection in law enforcement on 18/19 September 2023 in Madrid co-hosted by the Spanish Ministry of the Interior and the Guardia Civil. The 11th EDEN Event will focus on challenges and opportunities for data protection in law enforcement and effective policing in a complex, fast shifting digital world with the need to protect privacy and civil liberties of individuals. The conference will attempt to approach data protection in law enforcement across different jurisdictions and contexts with the tension between security concerns and individual rights.

Key topics

- Vulnerabilities of smart devices and their impact on individuals and law enforcement
- SecOps and Data Protection in Cyber Space
- The challenging role of DPOs in law enforcement
- Latest trends in facial recognition, data protection implications and artificial intelligence
- The concept of Super-Recognizers in policing
- The law enforcement vs. mobile phone data challenge
- Military-to-law enforcement information exchange
- Fundamental rights at Europol and in the area of cross-border policing

Languages

English, Spanish (simultaneous interpretation)

Location

Auditorio Rafael del Pino
Calle de Rafael Calvo, 39A
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Event Number

323DP91

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Registration

www.era.int/?132149&en



Speakers

Diana Alonso Blas, DPO, Head of the Data Protection Service, Eurojust, The Hague

Nelia Álvarez García, Senior Lawyer, IT & Privacy, ECIJA, Madrid

Borja Barbosa, Secretary of the Management Board, Europol, The Hague

Catherine De Bolle, Executive Director, Europol, The Hague

Joe Cannataci, Head of the Department of Information Policy & Governance at the Faculty of Media & Knowledge Sciences of the University of Malta, Chair of European Information Policy & Technology Law within the Faculty of Law, University of Groningen

Maria del Carmen del Cerro de la Cruz, Commander, Fixed Networks Area, Civil Guard, Madrid

Damianos Chronakis, Specialist in Technology & Innovative Solutions, Europol, The Hague

Daniel Drewer, DPO, Head of the Data Protection Function, Europol, The Hague

Jan Ellermann, Senior Specialist, Data Protection Function, Europol, The Hague

Seyda Emek, Advisor to the EU Counter-Terrorism Coordinator, Brussels

Rik Ferguson, Vice President of Security Intelligence, Forescout, Special Advisor, European Cyber Crime Centre, Europol, The Hague

Carlos Manuel Fernández González, DPO, Secretary of State, Madrid

Sander Flight, Consultant, Amsterdam

Peter Fussey, Professor of Sociology, University of Essex, London

Matthias Hudobnik, Legal Engineer, Data Protection Function, Europol, The Hague

Mikko Hyppönen, Computer Security Expert, Chief Research Officer, WithSecure, Helsinki

Manuel Jesús Izquierdo Bernal, DPO, Civil Guard, Madrid

Félix Jodra Abuelo, DPO, National Police, Madrid

Frederike Kalthener, Director, Tech & Human Rights Division, Human Rights Watch, Berlin

Leonardo Marcos González, Director of the Civil Guard, Madrid

Hiroshi Miyashita, Professor of Law, Chuo University, Tokyo

Ran Mokady, Product & Technology Leader, Axon, London

Stefano Moni, Director of the Data Protection Office, Italian Central Directorate of Criminal Police, Rome

Gregory Mounier, Head of Team, Innovation Lab, Europol, The Hague

Nora Ni Loideain, Director, Information Law & Policy Centre, Institute of Advanced Legal Studies, School of Advanced Study, London

Jan-Jaap Oerlemans, Endowed Professor, Intelligence & Law, Utrecht University, Utrecht

Olivier Onidi, Deputy Director-General, DG Home, European Commission, Brussels

Joaquín Pérez Catalán, Director, International Relations Division, Spanish Data Protection Authority, Madrid

Meike Ramon, Assistant Professor, University of Lausanne, Lausanne

Ramón Rizo Gómez, Deputy Data Protection Officer, Civil Guard, Madrid

Caterina Rodelli, EU Policy Analyst, Access Now, Brussels

Zrinka Salaj, Policy Officer, DG Home, European Commission, Brussels

Henrik Saugmandsgaard Øe, Partner, Gorrissen Federspiel, Copenhagen, former Advocate General at the Court of Justice of the EU

Daniel Justin Solove (online), Professor, George Washington University Law School, Washington D.C.

Lorena Trinberg, Consultant, International Data Protection, RII4 Data Protection Law & Administrative Data Protection, German Federal Ministry of Defence, Bonn

Dragos Tudorache (online), MEP, Brussels

Agnes Venema, Deepfakes & Security Policy Expert, Stratecig Policy Advisor, DCAF, Intelligence & National Security Researcher, University of Malta, Ta' Xbiex, Malta

Martin Vigo, Security Researcher & Founder, Triskel Security, Host & Producer Tierra de Hackers podcast, Barcelona

Sandra Wachter, Professor, Technology & Regulation, Oxford Internet Institute, University of Oxford, Oxfordshire

Hakan Wall, Police Commissioner, Head of International Affairs, Police Sweden, Stockholm

Christian Wiese Svanberg, General Counsel, SIGINT, Cyber & International Legal Affairs, Danish Defense Intelligence Service, Copenhagen

Wojciech Wiewiorowski, European Data Protection Supervisor, Brussels

Programme

Monday, 18 September 2023

09:00 Closed Session – Law Enforcement DPOs only

15:00 Arrival and registration of participants

16:00 **Welcome to the conference**

Carlos Manuel Fernández, Félix Jodra Abuelo,
Manuel Jesús Izquierdo Bernal, Daniel Drewer

16:15 **Keynotes**

- Leonardo Marcos González
- Catherine de Bolle
- Wojciech Wiewiorowski

17:15 Networking break

17:45 **The Walking Dead: data retention debate coming back to life**

Moderator: Nora Ni Loideain

Short Introduction: Håkan Wall

- Zrinka Salaj
- Jan-Jaap Oerlemans
- Henrik Saugmandsgaard Øe

18:45 **Every Breath You Take – vulnerabilities of smart devices and their impact on individuals as well as law enforcement**

Moderator: Jan Ellermann

- Mikko Hyppönen

This talk will focus on the vulnerability of smart devices, such as smartphones, smart home devices, and wearables, and the potential impact on individuals and law enforcement.

It will discuss the widespread use of smart devices and their growing importance in our daily lives. Some of the key vulnerabilities that exist in these devices will be highlighted, such as weak passwords, unsecured Wi-Fi networks, and outdated software.

Next, the potential impact of these vulnerabilities on individuals will be explored: The risks associated with unauthorized access to personal data, such as financial information and location data, as well as the potential for hackers to gain control of devices and use them for malicious purposes.

This talk will also examine the impact of smart device vulnerabilities on law enforcement. It will discuss the challenges faced by law enforcement agencies in accessing and gathering evidence from smart devices, and the potential for these vulnerabilities to be exploited by criminals to avoid detection.

Finally, this talk will conclude by discussing some of the steps that can be taken to mitigate the risks associated with smart device vulnerabilities. Emphasizing the importance of strong passwords, regular software updates, and the use of security software, as well as the need for greater cooperation between individuals, law enforcement, and device manufacturers to address these challenges.

19:45 Free Time

20:15 **Reception at the “Fortuny Home Club” – EDEN Happy Privacy Campers Including DJ and Privacy Related Art**

Tuesday, 19 September 2023

08:15 Check-in and registration of participants

09:00 **Dungeons & Dragons – and what we can learn from it as SecOps and Data Protection Specialists**

Moderator: Agnes Venema

- Rik Ferguson

This talk will elaborate on five things Data Protection and SecOps professionals can learn from the board game Dungeons & Dragons (D&D). It argues that valuable skills such as risk management, collaboration, planning and communication, and adaptability are crucial in both contexts. This talk suggests that the skills learned from playing D&D can be applied to the field of cybersecurity to improve the overall effectiveness of SecOps and data protection compliance.

10:00 Networking break

10:30 **You Know The Rules And So Do I – the challenging role of DPOs in law enforcement**

Moderator: Borja Barbosa

- Félix Jodra Abuelo
- Daniel Drewer
- Stefano Moni
- Diana Alonso Blas

In today's world, personal data is collected, processed, and stored in vast amounts by law enforcement agencies. It is the responsibility of DPOs to assist the data controller in ensuring that this data is handled in compliance with data protection laws and regulations. However, this can be a complex and challenging task, as DPOs need to balance the need for law enforcement to access and use personal data with the privacy rights of individuals.

The panel will explore the key challenges faced by DPOs in law enforcement organizations and discuss best practices and strategies for overcoming these challenges. The panellists will share case studies and examples of successful DPO practices in this field.

11:30 **Sweet Dreams Are Made Of This – latest trends in facial recognition**

Moderator: *Jan Ellermann*

- *Peter Fussey*
- *Meike Ramon*
- *Damianos Chronakis*
- *Hiroshi Miyashita*
- *Carlos Manuel Fernández González*

The panel will cover latest developments in facial recognition algorithms and their accuracy, the increasing use of facial recognition in real-time surveillance and in conjunction with other biometric technologies, such as voice and gait recognition.

The use of facial recognition poses potential privacy and data protection issues that arise from the use of facial recognition technology, including the risk of false positives, the potential for bias and discrimination, and the need for clear and transparent governance frameworks.

The panel will also cover the topic of super-recognizers, individuals who have exceptional facial recognition abilities and are being employed by law enforcement agencies worldwide. While super-recognizers could increase accuracy, ethical concerns about their selection, training, and management must be addressed.

In conclusion, the panel aims to explore their potential benefits and risks of facial recognition and the need for clear and transparent governance frameworks to ensure that the technology is used in a way that respects individual privacy and data protection.

12:45 Lunch break

14:15 **Brothers in Arms: military-to-law enforcement information exchange**

Moderator: *Daniel Drewer*

- *Manuel Jesús Izquierdo Bernal*
- *Christian Wiese Svanberg*
- *Seyda Emek**
- *Lorena Trinberg**

This talk will discuss the dangers of exchanging personal data between intelligence services, law enforcement, and military services. Such exchanges could infringe on civil liberties and individual privacy if done without proper safeguards or oversight. The talk will give guidance on how law enforcement and intelligence services can misuse this data, such as discrimination against specific groups.

When it comes to exchanging personal data between law enforcement and the military, there are similarities and differences. Both involve sharing sensitive data that must be protected, while still balancing the need for security and respecting privacy and civil liberties. However, military data may contain more sensitive information. Additionally, the legal frameworks governing these two sets of data may differ.

Overall, this talk will provide valuable insights into the risks and benefits of data sharing in the context of law enforcement, security activities, and military services. It will also discuss the use of battlefield data by law enforcement authorities in fighting against terrorist foreign fighters. This information will inform better policies and practices in this area.

15:15 **Nothing to Hide – Nothing to Fear?**

Moderator: *Maria del Carmen del Cerro de la Cruz*

- *Daniel Justin Solove (online)*

16:15 Networking break

16:45 **Eyes On You: the body cam dilemma**

Moderator: *Ramón Rizo Gómez*

- *Ran Mokady*
- *Nelia Álvarez Garcia*
- *Sander Flight*
- *Frederike Kaltheuner**
- *Joaquín Pérez Catalán*



17:45 **AI and the Thin Blue Line**

Moderator: *Matthias Hudobnik*

- *Dragos Tudorache (Online)**
- *Martin Vigo*
- *Sandra Wachter**
- *Gregory Mounier*
- *Caterina Rodelli*

During the previous sessions, various issues of interest regarding the processing of data by law enforcement agencies have been discussed and debated.

In a constantly evolving framework, it is important that the various decision-makers are prepared in advance and not only in response to the different changes that will affect this framework, such as A.I., social engineering, data uses, profiling, etc.

In short, the panel will show us which challenges and changes we may face in the coming years in the development of law enforcement missions in a way that is compatible with guaranteeing the fundamental rights of all people.

18:45 **Keynotes**

- *Joe Cannataci*
- *Olivier Onidi*

19:00 **End of conference**

*invited

Terms and conditions of participation

- Participation at the whole conference is required and your presence will be recorded.
- A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
- The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
- The entire event will be recorded and excerpts or the entire event might be made publicly available in due course in the form of an after movie.
- A certificate of attendance will be distributed after the end of the conference.

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