

International Conference  
of Data Protection and Privacy Commissioners  
Working Group on  
Telecommunications and Media

R E P O R T  
of the Working Group on Telecommunications and Media  
to the XVth International Conference  
of Data Protection and Privacy Commissioners  
in Manchester (27-30 September 1993)

The Working Group had two working sessions during the year.

1.

Since 1991 the director of the Institute for Systems Analysis of the Russian Academy of Sciences (who is in charge of the computerisation of the Russian administration) has attended the meetings of the Working Group as a guest. During these meetings, he has constantly stressed the importance of data protection rules with particular regard to the establishment of new telecommunications structures.

On his initiative the Government Committee for Informatisation of the Russian Federation invited the Working Group to hold its spring session on 17-19 May 1993 in Moscow.

In order to inform the Working Group of the current situation in the field of computerisation and telecommunications, experts from different Russian Government bodies and academic institutions reported on the current situation in their respective fields. The reports included

- progress of the Russian Federation on the development of legal frameworks for the use of information technology;
- Draft Law of the Russian Federation on information, informatisation and information security;
- the development of satellite communications and mobile communication systems. (The latter are of special interest in the Russian context because of the poor condition of fixed wire telecommunications networks).

For their part, members of the Working Group reported on

- data security measures in telecommunications;
- Western European regulations on data security;
- message standards, security and legal aspects of Electronic Data Interchange (EDI);

- recent developments in the application of data protection principles to mobile communications.

The discussions with Russian experts showed that there is little awareness of the privacy problems associated with the rapid establishment of telecommunications networks and associated services which is taking place in that country.

For this reason there is an urgent need to support existing initiatives for data protection legislation and in particular the application of data protection measures to the emerging telecommunications networks. Against this background, the Working Group agreed to consider ways of improving the exchange of information on data protection regulations in the field of telecommunications with the Russian Committee for Informatisation.

In response to the requests of the representatives of the Russian Committee for Informatisation and the Institute for Systems Analysis of the Russian Academy of Sciences, the Working Group offered to provide expertise related to emerging problems in that area.

2.

In accordance with tradition, the second session of the Working Group was held in Berlin during the International Audio and Video Fair 1993 (30th August 1993).

2.1

The privatisation, liberalisation and deregulation of telecommunications networks and services is a common feature in most countries represented in the Working Group, although the speed and the scope of this process varies.

In reply to a questionnaire we received written country reports from Austria, Belgium, Finland, France, Germany, the Netherlands, Norway, Portugal and the United Kingdom. Oral reports were given at the meeting on the situation in Hungary, Luxembourg, Russia and Sweden. In most of the Western countries covered by the reports general data protection law applies equally to the public as well as to the private sector. However, only very few countries so far have specific legislation governing the storage and protection of traffic data generated by modern telecommunications networks.

Members of the Working Group agreed that citizens using telecommunications networks or services should have the same degree of protection of their privacy, regardless of whether the network is run, or the services are offered, by a public or a private telecommunications organisation. Nevertheless, the group felt that there was a real danger that privatisation, liberalisation and deregulation of these markets might in fact lead to a lowering of protection standards.

It is therefore essential to press for specific legislation governing the protection of user privacy on a common high level in the context of competing network operators and service providers. Furthermore the regulations should be equally enforced for public and private network operators and service providers.

## 2.2

The use of modern telecommunications devices to monitor road traffic is currently being discussed in various countries. This monitoring is done for a number of reasons eg. fleet management, detection of stolen cars and road pricing. Such plans raise serious concerns regarding the risk to privacy.

The members of the Working Group on Telecommunications and Media agreed that these plans should only be implemented if sufficient provisions against these risks are introduced. In particular, the generation of permanent personal profiles of individual road users should be expressly prohibited.

The Working Group will closely study developments in this field with a view to identifying alternative technologies which are more in accordance with principles of data protection.

## 2.3

Further topics discussed were

- data protection in respect of transborder calls using mobile telephones ('international roaming');
- the emergence of national and international directories in research and other networks ('X.500 directories');
- mobile telephony in aviation and transport.

The Working Group decided to examine these problems more closely at its next sessions.

Dr. Hansjuergen Garstka  
 Berlin Data Protection Commissioner  
 Chairman of the Working Group

*0. Request to have ex-directory numbers. International directories which are different.*