Fifth German “Big Brother Awards”: attacks on privacy denounced

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On October 29, the German Association for the Promotion of Public Mobile and Immobile Data Traffic (FoeBuD) held its fifth annual Big Brother Awards. The so-called “Oscars for Data Leaches” are held to draw attention to government departments, companies and institutions which, through surveillance, spying and the accumulation of data, seek to infringe upon democratic rights. The organisation notes that the lifting of restrictions to the collection of data is an attack not only against the personal rights of individuals but also the democratic principles of society as a whole.

This year, Canon was awarded a Big Brother award in the Engineering category. Its colour photocopiers print an invisible serial number of the photocopier on every copy made by it, which can be used to trace it back to the machine. In combination with the product receipt provided by the retailer to Canon, the number can be used to trace the location of the copier. The police and authorities could then survey copy shops in the area to, for example, discover the author of leaflets or organisers of demonstrations.

However, the award to Canon was based on other product features, such as its pattern recognition technology. Printers, scanners and copiers fitted with it can halt operation if “prohibited” documents are being printed or copied. But who decides what is and isn’t allowed? The application of this technology has serious implications for the right to freedom of opinion and of the press.

The widening surveillance of the population was the central theme in the categories of regional, communications and politics. For example, the vice-chancellor of the University of Paderborn, Nikolaus Risch, permitted the installation of video cameras in lecture halls and computer rooms. The firm Armex GmbH offers surveillance services for parents, allowing the location of their children to be determined using their mobile phones. In the remarks made during the award presentation, such technology, along with video surveillance and electronic bands for children, “confuses security with surveillance.” These methods can in no way prevent crimes; rather, they only serve to keep students and children under constant surveillance and intimidation.

The German justice minister, Brigitte Zypries (Social Democratic Party, SPD), received her prize for adherence to electronic eavesdropping. Although the German Constitutional Court on March 3 made it more difficult for “acoustic living area surveillance,” Zypries introduced a new bill to increase the scope of wiretapping of private residences as well as of doctors, journalists and priests. Although the bill has since been withdrawn, it shows that the German SPD (Social Democratic Party)-Green coalition government, in the name of the “war on terror and organised crime,” will stop at nothing to abrogate democratic rights.

The awards this year made it clear above all that the increasing surveillance of the population goes hand in hand with the government’s destruction of social services.

This was the meaning of the award given to the minister for health and social services, Ulla Schmidt (SPD), for her reforms to the health care system and her Health Modernisation Law (GMG). The reforms, which took effect at the beginning of the year, not only cut back services and increased fees (which are due to bring the government more than €4 billion in revenue); they have also paved the way for the development of a two-class health system.

The GMG will, according to the arguments made at the Big Brother awards, open up a “fundamental change of direction in data processing through the health insurance companies.” Since the beginning of 2004, health insurance companies no longer calculate treatment expenses anonymously and on the basis of individual cases, but now maintain complete personal data files of every insured person.

Previously, the insurance companies did not keep individual medical records. With the new data they now have the ability to filter out “expensive” patients, refuse certain treatments and drive the chronically sick off their accounts. According to the health ministry this is called “Disease Control Management,” ostensibly to make costs between the insurance companies fairer. In reality, people will be assigned a “morbidity rating” with which future costs will be estimated. Insurance companies will also use it to refuse coverage to “costly” persons. As disadvantaged social layers have a higher rate of sickness, the massive cuts to health care will burden the poor in particular.

The jury of the Big Brother awards not only criticised the access that health insurance companies have to sensitive and private data, but also the fact that they can pass on their analyses of large volumes of data to private companies.

In the category of “Authorities and Administration,” the Big Brother award was given this year to the Federal Employment Office for “the issuing of a 16-page application form to the long-term unemployed, with which highly sensitive data is requested, partly illegitimately, that can be made available to unauthorised

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parties."

Dr. Rolf Gössner, a lawyer from the International League for Human Rights, made clear in his reasoning for this award that the present attacks on the unemployed (known as Hartz IV) and its associated Unemployment Benefits II constitute a general attack on the welfare state. Nevertheless, he said, the data protection issues raised by the application questionnaire would alone justify the awarding of the prize. "Contained in the questionnaire," explained Gössner, "are grave attacks on the protection of information which are bound up with the right to privacy and the private and intimate spheres of the applicant."

Gössner labelled it the "inquisitional questionnaire," which demands the applicant hand over sensitive data about their living circumstances as well as those of other persons for which the calculation of welfare payments is completely unrelated. The applicant is misled by the questionnaire into providing information about third persons "without knowing that they are doing so." Gössner further stated that the protection of this data is thoroughly insufficient.

Constant errors in the computer software used to enter the data mean that there are no access restrictions available or intended. Every administrative person throughout the country working for the employment office has access to all personal data of every long-term unemployed person in Germany. Data comparisons with other departments, such as the finance office and pension insurance agency, are also planned for the future. The planned "anti-terror law" will further these inroads into privacy. Banks will be compelled to provide financial details of their customers to the authorities on demand. From 2005, the employment office will also be forced to supply "financial data of welfare recipients, as well as that of their children, partners, ex-partners and cohabitants within their household." The employment office has also announced that it will conduct house searches in order to examine the living conditions of the applicants.

Rolf Gössner explicitly explained that the application form for Unemployment Benefits II is not only a massive attack against the personal rights of the long-term unemployed, but also a component of the all-embracing attack of the SPD-Green coalition government against social welfare: "With the application and obligation to produce supporting evidence, future recipients of unemployment benefits will be placed under general suspicion for abusing welfare. Chancellor Gerhard Schröder (SPD) made this perfectly clear when he spoke of the 'receiving mentality' of social welfare payments that widely exist in society."

The Hartz IV law has not only resulted in the harassment and surveillance of the unemployed, it has also encouraged an onslaught by employers against workers' rights. In the "Work" category, the supermarket chain Lidl was declared to be typical of many other companies "for the almost slave-like handling of its employees" and awarded an "Oscar" for the surveillance methods it employs against its workers.

Lidl knows no boundaries when it comes to the spying on its staff and the pressure it places on them. Here are just a few examples cited by Rena Tangens of the FoeBuD:

* In their supermarkets in the Czech Republic, workers are forbidden to use the toilet outside of designated work breaks. Female employees experiencing menstruation are obliged to wear headbands to allow them access to the toilets during working hours.

* Personal contact with other Lidl workers outside of working hours can lead to dismissal.

* Although the morning shift begins at 6 o'clock, Lidl does not start paying employees until half past seven. Those on late shift are only paid until 8 o'clock, even though they work until 10. Lidl describes these unpaid hours as "volunteer overtime."

* Intercoms are placed in recreation rooms and close to telephones, which management use to listen to conversations from cars parked in front of the store.

* The sales manager is responsible for regular inspections of employees' bags, jackets, lockers and the glove compartments of their vehicles.

Lidl management, however, shield themselves against such disagreeable monitoring. The Lidl concern is a complex and nested conglomerate of firms which is utilised to avoid both publishing its financial results and paying taxes. The main office is located in the tiny northern German village of Norderfriedrichskoog, where to this day no business taxes are payable.

Lidl is not the exception but rather part of a general development, described by Rena Tangens at the end of her speech: "Lidl's company policies characterise a tendency that has grown in the last months under conditions of a weak economy, in which other leading companies are more and more saying: 'environmental protection, human rights, personal rights, freedom of opinion, workers rights, democratic rights—all of this is just fancy dressing that the economy will no longer provide.'"

Firms such as Lidl or Tchibo Direct—which was awarded a prize for selling customer data, even though they state that it will be confidentially treated—can only act unchecked because government departments—and above all the government itself—no longer regulate and intervene in the interests of democratic rights. Indeed it is government policies which create the opportunities, and serve as a role model for the companies in the abuse of workers' rights. Irrespective of whether it is Hartz IV, health care reforms, tax reforms that favour companies, data protection laws that are as water-tight as a sieve, or so-called "anti-terror laws"—the German government is consistently expanding the exploitation, surveillance and harassment of the population.

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