

# German Social Democrat leader backs mass data retention by telecommunication companies

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Sigmar Gabriel, chairman of Germany's Social Democratic Party (SPD), spoke out in favour of adopting a data storage law in an interview with radio broadcaster Deutschlandfunk last Sunday.

"We need it, but I know that it is extremely controversial," said Gabriel, who is also deputy chancellor and economics minister in the German government. "We are currently experiencing that the world has become quite dangerous," he said. "And I believe, with constitutionally acceptable limits, we have to be in the technical position to respond."

The data storage law would see telecommunications companies store all communications data for several months or years, forwarding data to the police and intelligence agencies at their request. In this way, these agencies can determine after the fact who telephoned or exchanged SMS messages or emails with whom, where this was done and for how long, and what web sites were visited. They would be able to construct a full picture of the movements of any chosen individual, including innocent citizens, and follow their social and political activities.

In November 2007, the previous grand coalition government of the Christian Democratic Union (CDU) and SPD implemented a data storage law with the votes of both parties. But in March 2010, Germany's constitutional court declared the law to be invalid and ordered the immediate deletion of the collected data. The storage of telecommunications data for no reason was designed to "produce a general, threatening feeling of being watched, which can restrict the uninhibited realisation of constitutional rights in many areas," the decision stated.

However, the constitutional court left the door ajar. It

did not declare the data storage law to be in breach of the constitution, but allowed it if data protection, data security, transparency and the right of accessing information were clearly regulated.

As a result, in their coalition agreement in December 2013, the CDU, Christian Social Union (CSU) and SPD agreed to introduce data storage in a slightly modified form. The basis for the new law is supposed to be provided by EU guidelines. But in April 2014, the European Court of Justice overturned these guidelines. The judges found that they were in breach of the fundamental right to privacy and the right to have personal data protected.

The German plans have now also been put on hold. The government intends to wait until the EU commission presents new guidelines. Then at the beginning of this month, the commission reported that a new proposal was not planned, and that the formulation of laws on data storage remained a matter for national governments to decide.

Gabriel is now seeking to seize the moment with his recent statement. Since the attack on French satirical magazine *Charlie Hebdo* at the beginning of the year, the German government has been pressing for a rapid reintroduction of data storage under the pretext of combatting terrorism. Already shortly after the Paris attacks, Chancellor Angela Merkel called on the EU commission in a government statement to finally present new guidelines.

In the Deutschlandfunk interview, Gabriel called for Interior Minister Thomas de Maizière (CDU) and Justice Minister Heiko Maas (SPD) to jointly develop a draft law on data storage. He was thereby challenging his own justice minister, who has spoken out against

new regulations, while de Maizière is pushing for it. There are also objections to a new law in other sections of the SPD.

However, an SPD party conference in December 2011 already spoke out in favour of data storage in principle, if certain preconditions were fulfilled. The SPD took a similar stance in the aftermath of the September 11, 2001 attacks, when they were in government in coalition with the Greens. While Peter Hartz launched an assault on the jobs and living standards of workers with his social welfare reforms, Interior Minister Otto Schily undermined basic democratic rights with his anti-terror legislation.

Investigations into data storage have come to the conclusion that it is of little help in the pursuit of criminals and investigation of terrorist attacks. A study by the scientific service of parliament concluded that no proof could be found of an improvement in combatting criminality through the storage of communications data. According to researchers at the Max Plank institute, there was no evidence that data storage had prevented terrorist attacks.

However, combatting criminality and fighting terrorism are not the real goals of the data storage law. Above all, it is an instrument to politically spy on the great majority of the population. What the Nazis achieved with an army of spies, and the GDR (East Germany) with tens of thousands of informal informants, the comprehensive surveillance of the population can be achieved today much more easily and cheaply by storing all telecommunications data.

It is no accident that the SPD has taken over the leading role in promoting this. The party has seen its goal for many years as defending capitalist rule against social resistance. In the post-war period the party dampened class contradictions with social concessions and compromises. Today, as social achievements are being eliminated, the SPD is preparing to violently suppress social protests by strengthening the state's apparatus of surveillance and suppression.

The fact that the SPD is consciously building up the surveillance and security apparatus in a planned manner, rather than simply responding to events like the September 11 or *Charlie Hebdo* attacks, is proved by the coalition agreement of the current government. It states, "We are expanding the capacities of the federal office for security in information technology (BSI) and

the cyber defence centre. We are improving the IT capabilities of Germany's security authorities."

The build-up of the state is backed by the parliamentary opposition Greens and Left Party. At most, their differences concern the means to be used. The leader of the Green parliamentary fraction, Katrin Göring-Eckardt, concentrated not on technology, but personnel. The requirement was for "more police to find the needle, rather than more technology to make the haystack bigger," she told news magazine *Der Spiegel*. She also had a ready formula: for every "needle," every evil actor, at least 30 police were required to keep up surveillance around the clock.

In all previous state elections, the Left Party had raised the demand for an increase in the number of police officers.

A study produced by academics at the Free University of Berlin, based on statistics from a representative survey by Infratest Dimap, confirms that the strengthening of the state is directed against growing social opposition among the population.

According to the survey, 60 percent believe that there is no genuine democracy in Germany, because big business interests have more influence over politics than voters. One in three is convinced that capitalism leads inevitably to poverty and hunger. Thirty-seven percent of those in western Germany and 59 percent in eastern Germany think socialist and communist forms of society are a good idea, but that to date have been poorly carried out. And one in five called for a revolution, because reforms could not improve living conditions.

Gabriel's pressing for "total surveillance," as *Zeit Online* put it, is aimed at controlling and suppressing a mass movement that gives social and political expression to these sentiments.



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