

**Speech by Mr Raymond Forni,
President of the National Assembly,**

On the occasion of the 23rd international conference of
Data Protection Commissioners
Hotel de Lassay – 24 September 2001

Mr President of the CNIL,

Mr President of the Bar,

Ladies and Gentlemen the Commissioners,

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I am delighted to welcome you this evening to the Hotel de Lassay, on the occasion of the twenty-third international conference of Data Protection Commissioners. For three days, meetings and round-table discussions will lead you to reflect and to share your experiences on the theme of the respect for human rights and privacy. I have consecrated a large part of my political and professional engagement to the defence of individual liberties and, as President of the National Assembly, this ambition today remains at the core of my preoccupations. For one simple reason: they constitute the irremovable keystone of democracy. They form the pedestal of republican France and its institutions. They are, therefore, situated at the core of the values which animate this house.

The question of personal data protection is today taking on an entirely new dimension with the progress in the technologies of information and communication. Some people are becoming alarmed and denounce the risk of seeing the development of electronic totalitarianism which would rob the individual of his privacy and deprive him of his liberty. Orwell's famous *Big Brother* would already be among us.

Let us not demonise these technologies. Let us be careful of too hasty condemnations: they represent so many admissions of impotence and express a form of defeatism that I do not share. The development of the Internet is a chance for our fellow citizens. The French, who are more and more numerous in adopting and taming these new practices at the centre of their daily lives, have well understood this. Computerisation, digitisation, generalisation of the exchanges of data are important stakes at both the national and international level. Their social, economic and cultural consequences are, no doubt, without precedence. But the Information Society will become what we decide to make it. The technology is only a tool. We now have to associate it with the indispensable political vision, in order to place it at the service of a serene and harmonious society, in total respect of the rights of the individual.

Therefore, even if I, personally, have confidence in the progress one might hope for in the new digital supports, I am not forgetting that they are also carriers of real threats.

Cyber-criminality is from now on a reality. The recent terrorist attacks on the soil of the United States have not failed to remind us of this. It has apparently been established, that the protagonists of this drama used all the resources of the web to exchange information and prepare their terrible design. Both the police and the legal institutions, unfortunately, know only too well the criminal capacities of the network. Only a short time ago, a statement from Geneva united the magistrates convinced of the necessity for creating a European legal space. It was the rapid development “of computer networks, of the Internet, of the modem and of the fax, through which money of fraudulent origin can circulate at high speed from one account to another, from one fiscal paradise to another, covered by anonymous offshore companies controlled by respectable trustees” which gave rise to their initiative. The keyboard is a weapon which should not be underestimated. Of this we are all convinced today.

Other threats, more innocuous perhaps, weigh on the rights of the individual. Bank cards, mobile telephones, personal computers, magnetic keys – all these objects of everyday use have become inexhaustible sources of information on our tastes, our habits and on a large number of components of our private lives, to which persons of questionable or evil intent can very easily have access. In this domain, exploitation of files for commercial purposes appears as an ambiguous use of very personal information. But let us not forget that there are others, just as worrying. I am thinking, in particular, of the actions by certain sects, real filtering machines, whose practices this Assembly endeavours to denounce.

Faced with these dangers we must keep a careful and responsible attitude. The digital revolution offers an extraordinary space of liberty. We must explore and exploit this potential. But to the republican that I am, only *the law* can offer the necessary guarantees for ensuring and promoting this liberty. I insist on reminding us all, in particular, that the Internet is not a zone of non right. Even if committed in a virtual space, an offence is an offence. The positive French law already authorizes sanctions against diffusing any racist or revisionist expression, “whatever the means and whatever the support” to quote the terms of the Penal Code. But other problems are posed which also require a legal response.

On these questions France has solid experience. In 1978, the “Informatique et Libertés” (Data Protection) law was still an exception. At that time, I was the attentive spokesman for the opposition. It has, since then, served as a model of reference for numerous countries in the world. All the countries of the European Union, in particular, have over the years endowed themselves with a law, close to ours, and with an independent control authority, similar to the CNIL. But today it is important to go further and adapt this law to the technological constraints of our time.

Under the authority of the Government of Lionel Jospin, numerous initiatives have been taken in this sense. This was the case last April, for example, by the setting up of a *Forum of Rights on the Internet* with the mission of informing the public and participating in the joint regulation of the Internet through harmonisation of the actions between private partners and public partners. But it was particularly the case of two projects of law placed before the Committee of the National Assembly.

It concerns, firstly the project of law on the Information Society presented by Mr Christian Pierret, Secretary of State for Industry. It specifies, in particular, the disposals of the law of 1986 on the freedom of communication which are applicable. It outlines the responsibility of the technical operators on the Internet. It, finally, undertakes to reinforce the security of the networks by developing the means of fighting against cyber-criminality and by organising the liberalisation of encrypting means which should allow the general public to arm itself against electronic espionage.

The second project, which stems from the Chancery, concerns the protection of individuals with regard to the processing of data of a personal nature. It modifies the “Informatique et Libertés” (Data Protection Law) of 6 January 1978 to ensure the implementation of the European Directive of 24 October 1995. This project of law reinforces the fundamental rights of individuals when

the data concerning them are the object of a file, by tightening the obligations weighing on those responsible for these files, and by asserting the discretionary nature of the right of opposition of the individuals to being registered in a file. It also reinforces the authority of the CNIL, by granting it new powers of control but also of sanction.

The responsibility of Parliament is to vote the law. But it is also to discuss it, to amend it and to improve it, in the interest of all our fellow citizens. The richness and quality of your work will, no doubt, enlighten many members of parliament and will, thus, allow them to achieve their task with rigor and efficiency. I, therefore, thank the National Data Protection and Liberties Commission, and in particular its President, Mr Michel Gentot, for this initiative. I am convinced that this twenty-third international conference of Data Protection Commissioners will help us, without contest, to make of the society of information a Society of *Confidence*.