

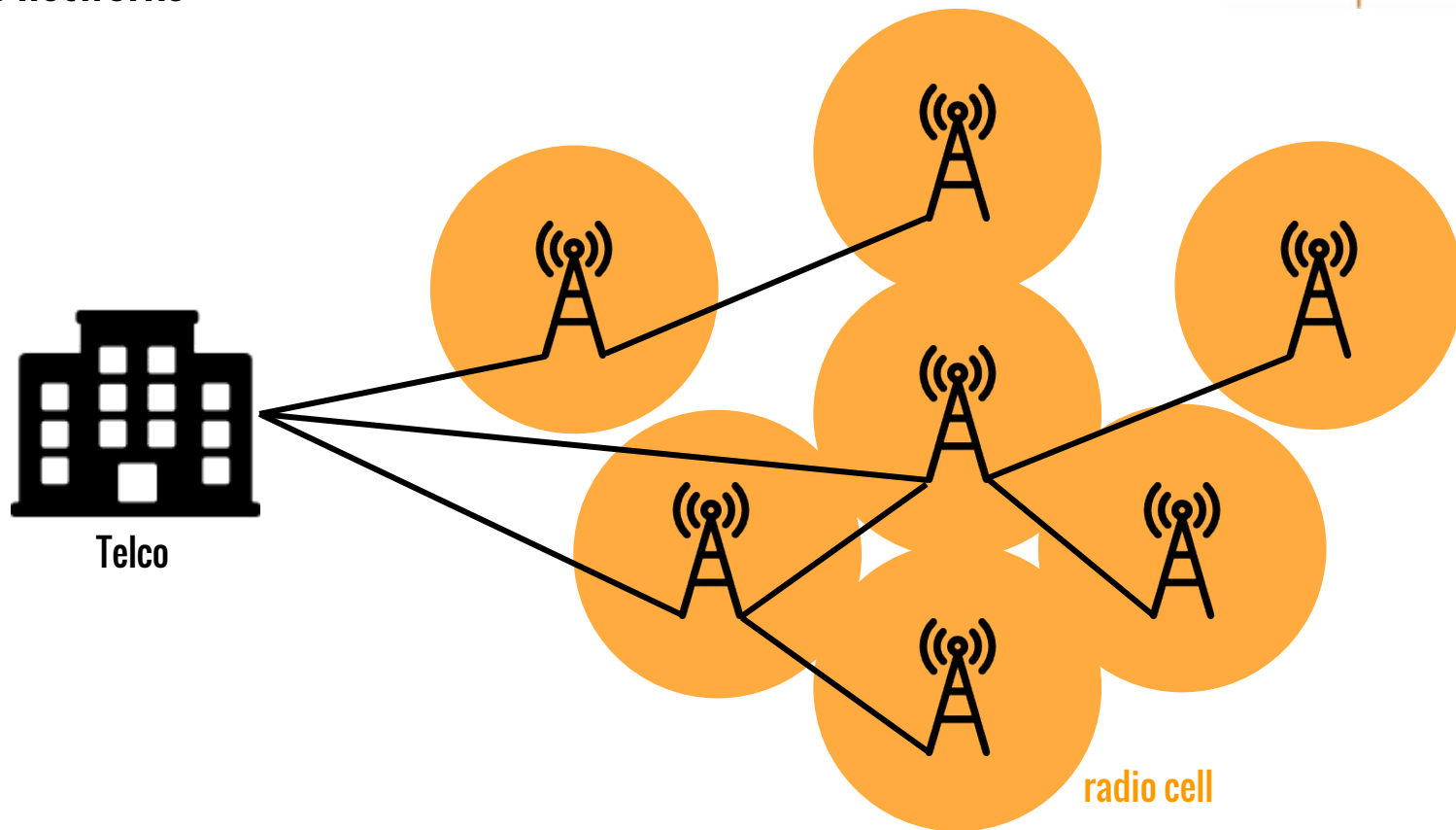
Surveillance by Law Enforcement

Transparency, Accountability, Privacy

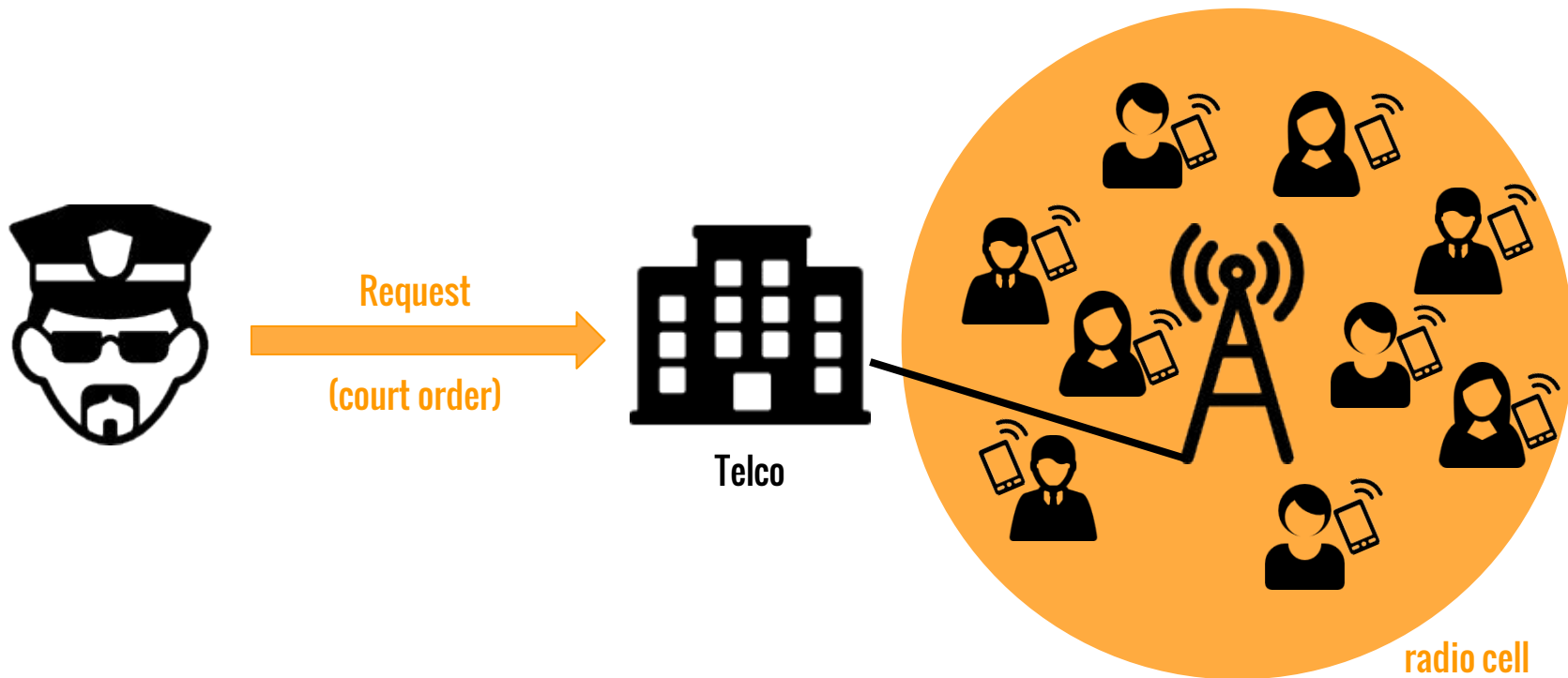
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Radio Cell Inquiry - Step #1





ALL the META DATA of every cellphone



- << telephone number
- << device ID (IMEI) and user ID (IMSI)
- << telephone number, time and duration of calls
- << time inside the radio cell
- << location inside the radio cell



Telco



Radio Cell Inquiry - Step #3



telephone number



subscriber data



- << full name
- << date of birth
- << address
- << device IDs (IMEI)



National
Regulatory
Authority



communication / movement profiles



- << Who communicated with whom?
- << For how long and at what times?
- << What types of communication were used?
- << What were the specific devices and SIM-cards?
- << When did they enter / leave the radio cell?



Radio Cell Inquiries are...

- a covered investigative method
- highly privacy invasive
- not targeted (massive unintended catch of personal data)



THEORY (law and courts)

ultima ratio
only for severe / sexual offences
strict minimization procedures
very short duration
notification of affected persons

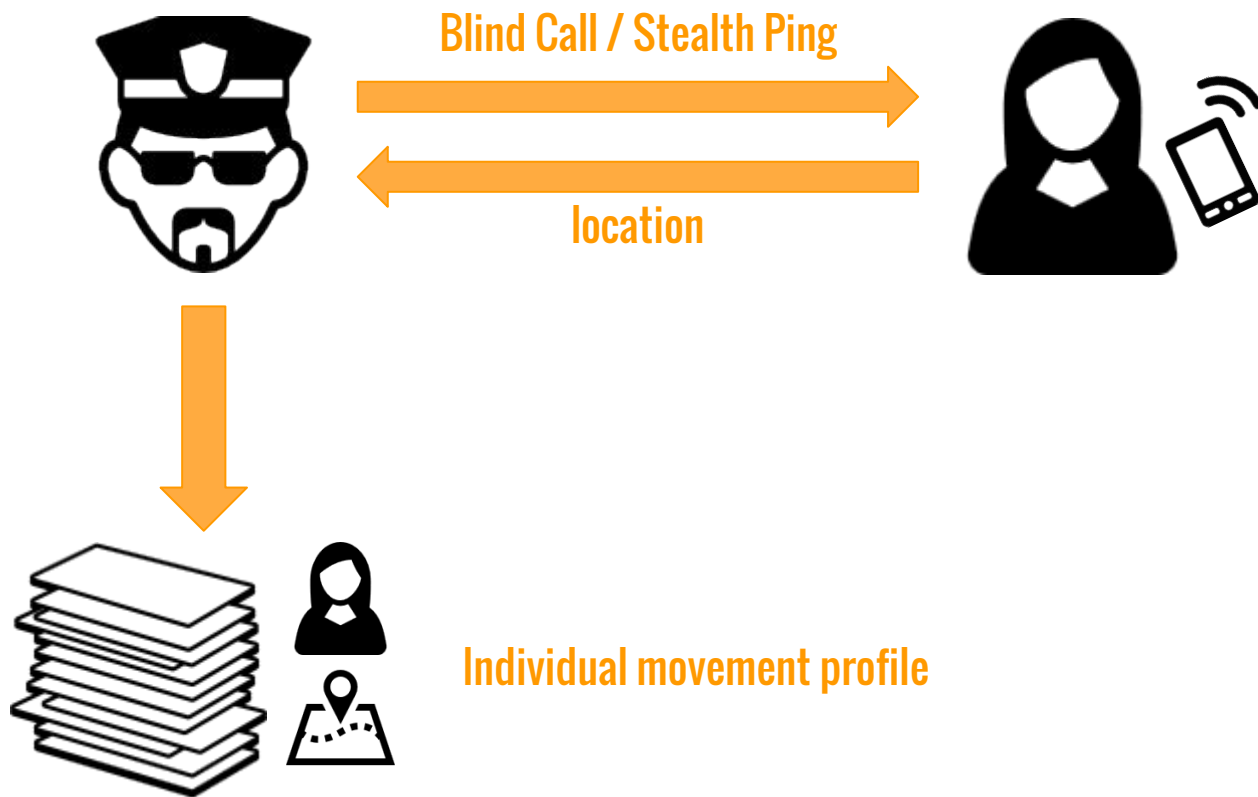


PRACTICE (What LEAs actually do)

routinely used (daily basis)
minor offences, (gang) robberies, protests
entire data records kept for months and years
up to 48h
no notifications

There is no transparency about radio cell inquiries...

- ❑ The little we know comes from investigative journalism, parliamentary inquiries and reports from the data protection officer.
- ❑ No statistical data for many German states → No evaluation
- ❑ No clear laws
- ❑ No mandatory reporting by LEAs





Blind Calls are...

- ❑ a covered investigative method
- ❑ targeted
- ❑ highly privacy invasive (precise movement profile)



Several oversight and accountability issues...

- ❑ Dispute over legal basis
- ❑ No transparency, no statistical data, no evaluation
- ❑ Only total numbers are reported – if at all



fake ad hoc radio cell



fake radio cell



IMSI catchers are...

- ❑ a covered investigative method
- ❑ not targeted
- ❑ highly privacy invasive



Similar problems that seem systemic...

- no mandatory statistical data
 - poor transparency
 - no evaluation
 - efficiency? proportionality?
- no clear legal basis
- highly privacy invasive
- massive unintended catch of personal data (except Blind Call)
- no notification
- poor minimization and data protection



Steps forward...

- ❑ clear, specific legal basis
- ❑ mandatory bi-annual reporting of statistical data by LEAs
 - How often has the technique been used?
 - For what type / severity of crime?
 - How many people were affected?
 - success-rate / further investigative leads?
- ❑ mandatory notification - especially for radio cell inquiries
- ❑ regular audit that minimization procedures took place