



6.08.07-12:04 PM-LOCATION:37 23.516 -122 02.625-DURATION:5:36

# THE END OF PRIVACY

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## Does Anybody Care?

The more we forfeit of ourselves  
in exchange for services and information,  
the less there is left to protect.

by Peter M. Ferenczi

Hand mit Ringen 8. 2. 19.



Eigentum von Prof. Zehnder  
Freiburg 7/13



# WHAT IS PRIVACY?

- RIGHT TO ANONOMOUS?
- RIGHT TO BE LEFT ALONE?

HOME = PLACE TO BE LEFT ALONE?

# PRELIMINARY CONCLUSIONS

PRIVACY: FUNDAMENTAL RIGHT:

- CULTURAL SHIFT ON UNDERSTANDING IS POSSIBLE

- NEW TECHNOLOGIES CAN MAKE TRADITIONAL RIGHTS OBSOLETE:  
PRIVACY VICTIM OF THE TRANSPARENT  
21TH CENTURY INDIVIDUAL?

# DHS US-VISIT-11/2006

- SINCE JAN 2004 OVER 70 MILLION
- R.MOCNEY: “HITS AGAINST THE KNOWN TERRORIST DATABASE”
- ONE INDIVIDUAL TAKEN INTO CUSTODY
- 1644 DENIED ENTRY
- 362 MILLION (TWO FINGERPRINTS) PLUS 80 MILLION)
- 2 BILLION FIVE YEARS AFTER 9/11

# GAO-CONGRESS REPORT

- PRICE TAG IS SPIRALING UP
- NO MEANINGFUL EXIT CAPACITY

# VIS SYSTEM

- 70 MILLION
- BIOMETRIC (EURODAC PRECEEDS 9/11)
- VISA SHOPPING, IDENTIFICATION, VERIFICATION
- CENTRAL DATA BASE AT EU LEVEL
- BIOMETRIC DATA=SENSITIVE
- EUROPOL SUPERVISED ACCESS

# Strict Visa Regulations Discourage Visiting Artists

*Post-9/11 Process Adds Costs and Red Tape*

By SARAH KAUFMAN  
*Washington Post Staff Writer*

The Halle Orchestra, one of Great Britain's oldest symphony orchestras, has not toured the United States in more than a decade, so spirits were high when the group secured dates at Lincoln Center and in Upstate New York for performances last winter.

But when the orchestra learned that to get their entry visas, all 85 musicians — every last cellist, oboist and piccolo player — would have to travel from their Manchester headquarters to the U.S. Embassy in London for personal interviews, electronic fingerprinting and facial-recognition scans, it scrapped the trip. Budgeting for airfare and travel costs to New York was one thing, but simply getting everyone to the embassy at the same time, along with hotel bills and

fees for the visas themselves, would have cost an additional \$80,000, said marketing director Andy Ryans.

"It was very simply money that we didn't have," Ryans explained. "We were desperate to go to the States, but our hands were absolutely tied."

Theirs aren't the only ones. To perform in this country, foreign artists of all stripes — punk rockers, ballet dancers, folk musicians, acrobats — are funneled through a one-size-fits-all "nonimmigrant" visa process whose costs and complications have become prohibitive, according to booking agents, managers and presenters, such as the Kennedy Center, who program and market the performers. Visiting businesspeople face similar security hurdles put in place since Sept. 11, 2001. But artists' visa petitions also re-

See VISA, A8, Col. 3



China's Golden Dragon Acrobats were in September, but performances were



# For Senator and Others Arrested, a Variety of Charges

By DUFF WILSON

MINNEAPOLIS, Sept. 6 — The airport men's room where Senator Larry E. Craig was arrested here in a police sting operation is in one of the busiest areas of the Minneapolis-St. Paul International Airport, at the intersection of five concourses and near a bustling mall and food court.

Mr. Craig passed through the terminal regularly as he traveled between his home district in Boise, Idaho, and his Congressional offices in Washington.

The details of his arrest shocked his colleagues and constituents, but he was not the only person ensnared in the airport police enforcement action against what the authorities said was lewd conduct in the restroom. Thirty-nine other men were arrested here in a three-month period this summer.

A review of their cases and interviews with four lawyers representing many of the accused show how Mr. Craig — who pleaded guilty to disorderly conduct but now says he is innocent — fits into the larger picture of the sting operation, and sheds light on his prospects in court should he be allowed to withdraw his guilty plea.

Police and court files indicate that Mr. Craig's case may have been handled more harshly than some of the others. For instance, he alone among the 40 men arrested was charged with both disorderly conduct and interference with privacy. The other men were charged with one or the other, or with indecent exposure or loitering.

Patrick Hogan, a spokesman for the airport and the law firm it hired to prosecute the cases, said Mr. Craig was the only man charged with two offenses because he had peered into the police officer's stall and had used unspoken signals — foot tapping and hand motions — known as ways to solicit restroom sex.

Mr. Craig, who says he is not gay, said his actions were misinterpreted by the arresting officer.

Lawyers for many of the other 39 men said that they were contesting the charges against their clients, and that Mr. Craig, too, could have mounted a vigorous defense if he had hired a lawyer instead of plea-bargaining.

The lawyers said their defense strategies were based on the conduct of the police, the lack of sex-



BEN GARVIN FOR THE NEW YORK TIMES

Arrests were made in a sting at the Minneapolis-St. Paul airport from May 31 to Aug. 13. Plainclothes officers arrested airport workers, a senator and others accused of soliciting sex.

## Arrests in Airport

This summer, a sex sting conducted in the men's room at the Minneapolis-St. Paul International Airport by airport police resulted in the arrests of 40 men, including Senator Larry E. Craig, Republican of Idaho. Here are the 40 cases, with their charges and their dispositions. Some are still pending.

ARRESTS	PROSECUTIONS	DISPOSITIONS (As of Sept. 5)
20 Interference with privacy (gross misdemeanor).	14 Interference with privacy.	10 Pledged guilty.
8 Disorderly conduct (misdemeanor).	10 Disorderly conduct.	5 to original charges (3 to disorderly conduct; 1 to interference with privacy; 1 to indecent exposure).
1 Interference with privacy and disorderly conduct (Senator Larry E. Craig).	1 Both interference with privacy and disorderly conduct (Mr. Craig).	5 to reduced charges in plea bargains (including Mr. Craig).
7 Loitering (misdemeanor).	8 Loitering.	28 Pending hearings (8 pleaded not guilty; 18 no plea entered, docket shows; 2 no-shows, warrants have been issued).
4 Indecent exposure (misdemeanor).	4 Indecent exposure.	2 Prosecution suspended, record to be cleared in one year.
	3 Not yet charged.	

THE NEW YORK TIMES

ended prosecution" in which their records may be expunged after a year.

Robert J. Shane, a lawyer for a man who received a suspended prosecution, said, "If Craig would have had an attorney, I think he could have got that type of agreement."

Jerome A. Burg, a lawyer for another defendant, said after reviewing Mr. Craig's publicly

The Minneapolis airport is the world's 15th busiest, and is known in some circles as a site for homosexual hook-ups. "A busy place for lewd conduct," a lot more than other airports, one of the men told the police after he was arrested. Another man said he had had a lot of sex with pilots and flight attendants there.

The large, gray-and-blue tiled bathroom is divided by walls into

ing denial in an eight-minute interview he had with the police shortly after his arrest. The audio was released to the news media and is on the Internet.

Mr. Burg said that Mr. Craig was "tenacious" and "straightforwardly defending himself" in the interview.

"He stuck very close to his story," Mr. Burg said. "A lot of people would have caved."

	UNITED STATES	EUROPEAN UNION
<b>RIGHT TO PRIVACY</b>	Fourth Amendment.	fundamental human right
<b>ENFORCEMENT</b>	government actions	Data Protection Authority.
<b>GOVERNMENT SNOOPING</b>	Focus on government.	corporate behaviour
<b>CONSUMER DATA COLLECTION</b>	the Fair Credit Reporting Act	the right to review data collected and correct errors.
<b>MARKETING</b>	Opt-out possibilities	Telemarketing without consent illegal
<b>E-MAIL</b>	Employers have broad rights to review e-mail	a violation of privacy laws

## •ETHICAL REVIEW FP7

- Article 6: "All the research activities carried out under the Seventh Framework Programme shall be carried out in compliance with fundamental ethical principles".
- approval of the relevant ethics committees prior to the start of the research activities
- respect [international conventions and declarations](#)
- Compliance with EU legislation, data protection directive etc

## CHECKLIST

- Does the proposal involve processing of genetic information or personal data (e.g. health, sexual lifestyle, ethnicity, political opinion, religious or philosophical conviction)?
- Does the proposal involve tracking the location or observation of people?

**NO QUESTIONS ON (POTENTIAL) SOCIETAL  
IMPACT**

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YES

IF FOLLOW-UP PROJECTS TO PRISE