

Dear Member of the Assemblée Nationale,

The undersigned civil and human rights organisations call on French parliamentarians to reject the draft law on surveillance measures for international electronic communications (*Proposition de loi relative aux mesures de surveillance des communications électroniques internationales*). The bill fails to defend and protect the right to privacy of individuals worldwide.

With this new bill, parliament is about to approve new disproportionate surveillance measures to monitor international communications. Based on the principle of massive collections of data, the bill seeks to legitimise the civil and human rights abuses revealed by Edward Snowden about the practice of intelligence agencies such as the ones in the US and the UK. As a crucial part of the global Internet traffic goes through French submarine cables, this law would put France in the list of countries with sweeping surveillance capabilities. This bill follows from the Surveillance Law passed in June, which allows the French government, among other measures, to monitor people's phone calls and emails without judicial approval; and to install black boxes on internet service providers' infrastructure to collect metadata on millions of innocent individuals. Earlier this year, the French Constitutional Council struck down one of the provisions of the Surveillance bill, and the new proposal seeks to re-authorise the international surveillance programme impacted. The draft law will be voted on 1 October by the French National Assembly.

In particular, we are deeply concerned that

- the bill would allow for indiscriminate mass surveillance of millions of people in France and abroad;
- independent oversight and control mechanisms are completely lacking. The massive data collection scheme would be conducted under the sole authority of the French Prime Minister, with only ex post control from the oversight authority. This does not sufficiently guarantee the protection of privacy and the respect for rights and freedoms;
- clearly excessive and unjustified retention periods for data (content for one year, metadata for six years, encrypted content for eight years) are foreseen, in contradiction with the principles laid out by the Court of Justice of the European Union (CJEU) in its ruling on 8 April 2014 invalidating the Data Retention Directive;
- the justification of the measures is so broad as to be meaningless, such as the defence of "major interests of foreign policy" and "major economic and scientific interests of France";
- the broad language leaves room for the future use of undefined surveillance technologies which could lead to an extension of the scope of the bill without any involvement of democratic institutions;
- only lawyers, journalists, representatives and magistrates established in France would theoretically be granted some form of protection, although, for instance, the private or professional nature of their communications can only be established during the data processing, and in any event the law does not protect them against bulk collection and exploitation of their communications.

We, the undersigned organisations urge the French Parliament to reject this international surveillance bill and protect the rights of individuals all around the world. The principle of universality of rights is a fundamental principle, especially the European Union. We call on you to strengthen civil liberties and human rights safeguards for all and reject this proposal. Thank you.

Signatories:

European Digital Rights (EDRi)
Electronic Frontier Foundation (EFF)
Chaos Computer Club (CCC)
Article 19
Code Red
OpenMedia.org
Electronic Frontier Finland (EFFI)
FITuG
Web We Want Foundation
AKVorrat.at (Working Group on Data Retention Austria)
Initiative für Netzfreiheit
Icelandic Modern Media Initiative (IMMI)
Global Voices
Amnesty International
Pen International
Digital Rights Foundation
Australian Privacy Foundation
CPJ (Committee to Protect Journalists)
FIDH
Vrijschrift
Access
Bits of Freedom
IT-Political Association
Panoptykon Foundation
Digitale Gesellschaft e. V.
Xnet
Association for Progressive Communications (APC)
Privacy International
Reporters sans frontières (Reporter Without Borders)
Alternative Informatics Association