

# GERMANY: US DATA-MINING VIOLATES EUROPEAN HUMAN RIGHTS

I'm sure John Brennan, data-miner-in-chief, is not happy about this:

The new German justice minister says Berlin is not comfortable with an EU measure that would grant US authorities access to European banking data. Now it seems likely that the Germans may scupper the deal, which is supposed to be pushed through at an EU meeting in Brussels at the end of November.

The agreement was supposed to be laced up before others got involved in the tricky debate about data protection and individual rights. Now, though, it looks like European Union plans to push through an anti-terror agreement with Washington may not go ahead, thanks in part to the new German government.

It appears the US was trying to push this agreement through before the Lisbon Treaty goes into effect on December 1 (and until what appears to be the SWIFT server is locked up behind a secure wall in Switzerland), ensuring that this measure would get extensive debate.

France, Austria and Finland have also expressed reservations, particularly regarding to the speed with which the new measure was being pushed through. Dec. 1 is the date when the new Lisbon Treaty goes into effect. The reform agreement grants the European Parliament new powers of control over decisions such as the one under consideration – and that means lengthy debate.

[snip]

[German Justice Minister Sabine Leutheusser-Schnarrenberger] added: "I consider the attempt to push this (deal) through the European Union just one day before the Lisbon Treaty comes into effect to be very unfortunate. It is a snub directed at the European Parliament, a parliament which has been critical of this deal and which, after the Lisbon Treaty comes into effect, will have a right to help make this decision."

One of the things that is apparent from the EFF data dump is that the Bush Administration (and presumably the Obama Administration) were kludging together surveillance with US-based collection and other kinds of collection overseas. Several times in the debate leading up to the 2008 FISA Amendments Act, DOJ officials would caution against saying the FISA Court had "authorized" some collection, because the collection in question was illegal in the country in which the collection would take place. So I'm particularly interested in this debate.

If nothing else, the Europeans may force Americans to admit that they're in the business of wholesale hoovering of information, and not the carefully targeted collections they like to claim they're getting.