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Brussels, 27<sup>th</sup> september 2024

Dear Chair of the EDPB,  
Dear EDPB Members,  
Dear EDPB Secretariat,

**Open letter to the European Data Protection Board: We urge the Board to issue an opinion on the United Nations convention against cybercrime**

We, the undersigned organizations, are writing to you regarding the new United Nations Convention against cybercrime. The [final text of the Convention](#) has been approved by an *Ad Hoc* Committee to the UN General Assembly this August. It will be submitted to the General Assembly for formal adoption at the end of September.

The Convention's aim is to prevent and combat cybercrime, and facilitate cooperation on the issue. Those objectives are legitimate. However, the scope and methods of the Convention pose several serious risks for human rights. Those [have been pointed out by civil society](#). Amongst those, we address you this letter regarding the risks posed by the convention to the right to privacy as protected in EU law.

The Convention would notably empower authorities to:

- compel service providers or individuals to disclose vulnerabilities of information and communications technology systems or to provide relevant authorities with access to encrypted communications
- force the retention of large amounts of data by service providers during unspecified periods of time.

Additionally, the proposed Convention's use of broad or undefined concepts opens up the risk of widescale human rights violations against civil society. The Convention notably:

- € criminalizes accessing "information and communications technology system *without right*" (art. 8), thus putting journalists, security researchers and human rights defenders at risk;
- € criminalizes the use of tools frequently used by cybersecurity researchers (art. 7 & 11).

We are concerned that ratification of the Convention by EU member States or by the Union itself would undermine and weaken the protection of privacy in the EU. In particular, we are deeply concerned that ratification of this Convention could encourage States to weaken encryption despite the EDPB's warnings against doing so. The proposed Convention would also potentially breach the European Convention on Human Rights. [According to the European Court of Human Rights](#), prohibiting encryption and creating backdoors breaches the right to respect for private and family life.

Further, we are concerned that the Convention could be used by authoritarian States as a tool of repression against EU citizens or persons residing in the EU.

For these reasons, we call on the EDPB to assess the proposed Cybercrime Convention and the risks it could pose to the right to privacy as protected in the European Union. We ask the EDPB to issue an own-initiative opinion.

Yours sincerely,

### Signatories

International Federation for Human Rights (FIDH)

Liga voor mensenrechten (BE)

Ligue des droits humains (BE)

Privacy First (NL)

Statewatch (UK)

