

**[26-04-2019] - Miek Wijnberg, chairman of the Civil Rights Association Vrijbit.**

Miek Wijnberg is chairman of the Civil Rights Association Vrijbit. This is an association that strives to preserve, and where necessary reclaim, the protection of the right to privacy. However, privacy is not the end goal. According to Miek Wijnberg, freedom is at stake if one can no longer live a private life. She argues that one should live in freedom without being constantly monitored, registered and manipulated with data flows.

The following quotes are adopted from the interview held at Civil Rights Association Vrijbit:

**Definition privacy**

*"To us, privacy means that you have control over your own life. You should be able to walk in public spaces without being spied on. My children and grandchildren who grow up should have a margin in which they are able to develop themselves without being pre-sorted in a certain system that is checks throughout the day whether they deviate a little from what is found to be average."*

*"If you take away privacy or the freedom of people, you do not only limit people themselves, but it is also troublesome for society."*

**PSD2: argument against 'PSD2, U beslist' campaign**

*"The commercial about PSD2 states 'PSD2, you decide', but that's not true as your data might also be visible in other people's payment data. I think that we can submit a complaint to the advertising code committee regarding this deception. "*

**PSD2: PSD2-opt-out register initiative of Privacy First**

*"Privacy First wants to allow trade unions and healthcare institutions to indicate per-opt-out that their data will not be provided to third parties. For this, banks should be able to mark the data throughout their entire system. It is technically a major operation. And if you do this, you will miss the entire clue of PSD2. "*

*"The thing is, these Privacy First proposals are often unrealistic. Our objection is mainly related to the fact that a private individual has the right to demand that the bank does not transfer his / her bank details to third parties. Also, if this data is visible through someone else's data."*

**PSD2: GDPR and PSD2**

*"The entire PSD2 is not possible according to human rights and the GDPR. They say that personal data must be better protected, sensitive personal data must be given extra protection, and explicit permission must be granted. Though, exceptions can be made to the explicit permission rule if the government has reasons to do so. However, in this case it concerns commercial private parties and they are not allowed to share your data with other parties under GDPR. Thus, according to the GDPR, banks are not allowed to share this data with third parties, but under PSD2 they are. "*

**PSD2: introduction delay and the role of Dutch Data Protection Authority**

*"There was a huge commotion about who was going to fulfil the supervisory role. The Dutch Data Protection Authority (AP) is one of the most malfunctioning institutions in the Netherlands together with the UWV. For years, there has been an enormous amount of criticism about the AP. With PSD2, they have received an extra portion of work, so it hasn't gotten any better. "*

**PSD2: supervision**

*"There are several supervisors and they must work together now, but they are not used to."*

*"Officially, all supervisors can only check whether companies follow the law. They cannot intervene, as long as one complies with the law."*

**PSD2: enforcement**

*"A multitude of lobbies were present at the enforcement of GDPR, but the PSD2 just goes without saying. We were speechless. How is this possible? How can you accept this? Referring to Bart Jacobs thoughts, he also says that this is a reaction to the banking crisis; people no longer trust those banks. PSD2 is enforced to break down the power of the banks - this is the actual reason."*

**PSD2: Vrijbit's action plan**

*"For now, our action plan encompasses, sorting out the necessary information. At first, we thought "huh?" This can't be right. So far no one has been able to convince us that my bank details will not be passed on to third parties against my will if someone else has given their consent. It is really contrary to GDPR. Supervisors must enforce the law and the law allows it. I, or we, can therefore only act against this possibility by forcing a bank not to provide my data and Vrijbit's data to third parties and we explicitly demand that they promise not to do so. Then we must write a letter to the management of all banks with which we have a customer relationship that we have a guarantee that our data is not shared with others. In this letter we have to include that we are allowed to hold them liable if it appears that my details have been passed on beyond my control. They will argue that this is allowed according to PSD2, so we have to rely on the GDPR. This is possible, but how do found out if my information has been given to someone without my knowledge? Therefore, I have to write that I hold them liable for the risk that this may happen. If they respond that they do not have to do this, then we could call the AP to intervene as the bank does not follow the GDPR."*

**PSD2: sharing data for free under PSD2 versus paying for your own data under GDPR**

*"And you know, the funny thing about this is that, under PSD2, banks are obligated to share your data to third parties for free, provided that permission is given. But as soon as you request an extract of the information they hold about you, you have to pay."*

**Current status of  
human stance  
towards data  
sharing**

*“The entire technological development is recent, but we are so used to it. However, legislation has not kept pace with this. There has been an infinite faith in the fact that our society has become so complicated. Everyone was convinced that the technology would offer solutions for this. We have now come to the point that one is becoming aware of the fact that this notion was a little too enthusiastically and that technology also has a number of drawbacks. What I notice is that people no longer even understand the difference between digitization and electronic data storage.”*

*“Often, convenience is the engine behind the easygoing attitude towards data sharing.”*

*“It is very difficult to stop a train that is running. They only stop if it is going to cost them a lot of money, but in that case, we are talking about a lot of money. I do not know who can impose this. But they would also care if it costs them their banking license, or if it would cause them a lot of problems. And the latter is in this case the most realistic approach that we will pursue.”*