WATCHING THE WATCHERS

Trust for Civil Society in Central and Eastern Europe

TRUST FOR CIVIL SOCIETY
IN CENTRAL AND EASTERN EUROPE

WATCHING THE WATCHERS

CONTENTS

I had a chance to talk with the Panoptykon Foundation founders at the very moment they began their work. I was a bit skeptical at first, as I had already witnessed an array of ephemeral initiatives: lots of fanfare, but lack of systematic approach and little committed, unflagging focus on shaping reality here and now. But this time my skepticism proved to be unfounded. For Panoptykon's team from the beginning showed consistency, systematic approach, relentlessness and patience. This approach not only ensured Panoptykon's presence in public life, but has also earned the foundation a reputation of being more than your typical NGO and determined its successes in the struggle against the Polish surveillance state.

Panoptykon warns against becoming complacent towards the ever-new manifestations of surveillance in our daily life as well as against the erosion of freedom – both threats arising from the combination of new technologies and the old habits of those in power. Panoptykon has done much to raise awareness regarding both the scale of surveillance and the need for transparency in public life (especially having revealed the scale of collecting data on citizens by the police and intelligence agencies). It has also brought to light the flaws and ineffectiveness of the existing legal guarantees for individuals, in particular when it comes to bulk collection of citizens' data and preemptive forms of surveillance, as such power is always opposed to any and all oversight.

Ewa Łętowska, the first Ombudsman, retired justice of the Constitutional Tribunal

INTRODUCTION

In just 5 years, the Panoptykon Foundation has travelled far – an initiative of a couple of people eventually becoming a professional organization, challenging the restraints of the surveillance society and international powers that impose these restraints. During this time our team has grown from two to nine people, we have swapped a table in a nearby café for a proper office, and we have reinforced our spontaneous campaigns with systematic methods of operation, standards we rely on and procedures we follow. Alas, not everything has changed: our conviction that thanks to knowledge, involvement and determination you can really change something still stands and guides us in our everyday work.

We invite you to take a quick look at the past five years of our organization. In this review we explain the mission of the Panoptykon Foundation as well as revisit our most significant efforts, the successes we are particularly proud of and the failures from which we learned most. We also describe our challenges and disclose our plans for the future.

We hope this will be an inspirational journey.

LIFE UNDER SURVEILLANCE

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Countless databases and CCTV cameras, the Internet full of digital traces, data from credit cards, posts shared on social media, intelligent homes, mobile phones recording our every step… Virtually every time we lift a finger, we create a new set of data that is collected, stored and often traded. This is how surveillance begins: the ability to predict our decisions and to monitor our behavior. The state and business are rivals in the competition of who will monitor our lives more efficiently. Their efforts descend deeper and deeper, to the level where we store the most intimate details of our lives. Business has encroached on areas previously reserved for public institutions, and the state takes over information that we entrusted in good faith to companies. But we ourselves also give in to the temptation to become watchers: we observe, record and control our loved ones – thereby expanding databases available to the biggest players. We ourselves build the surveillance society.

Willingly or not, we are lulled and remain oblivious to the new forms of surveillance. By opting for more comfortable lives, or in the name of security, we waive more of our rights and give up more freedoms, sometimes of our own free will, sometimes under the pressure of the market or the state. Since you're not doing anything wrong, you don't have anything to hide, right? After all, we do that for your own safety (comfort, savings, quality of life…). So what is the problem?

In believing that we have more to gain than to lose, it is easy to submit to such manipulation. Yet what is at stake is nothing less than freedom itself. Not as an abstract value, but the real capacity to determine our own lives. It ranges from trivial consumer choices, to political elections, and all the way to the decisions that are fundamental for our lives (e.g. education and employment). To put it in the wider context: we are talking about a battle for the shape of the society we live in today – and in which our children will live in tomorrow.

What are the biggest concerns we have with the functioning of the surveillance society?

1. **Violations of privacy:** with our every step being monitored, whether we desire so or not, we are losing control over our data and its "life" in one database after another. As such data is passed from one set of hands to another, it breaks itself free from our real self. Nonetheless, public institutions and companies increasingly rely on our digital profiles to make decisions concerning us directly.

2. **The illusion of free choice:** many of us harbour the conviction that we are free to choose the way we live. However, what we may not realize is that the opportunities that come our way are determined by the value of our digital profile. We increasingly become a commodity traded on the information exchange market.

3. **Glib solutions:** we are told that thanks to the use of surveillance technologies we can easily solve complex social problems – however, the majority of these solutions merely mask the problems and absorb resources that might otherwise be appropriated for less flashy, though more effective solutions.

4. **Discrimination and the "margin of error":** we have no control over how our data will be interpreted and what the outcome of such analysis will be. Will I be deemed a suspect? The more we trust algorithms, the greater risk we take when using systems based on automatic analysis of personal data and profiling.

5. **Manipulation through fear:** deluded with promises that new tools of surveillance will bring us a long and peaceful life, we cultivate our fears and become ever more dependent on the "tranquilizers".

We are unprepared to confront the surveillance apparatus that pervades all areas of our life. First, it creeps in discreetly, but as soon as we get used to being monitored, it openly invades all areas of our lives. We have yet to develop societal defense mechanisms against it. It would be foolish to believe that the law protects us effectively – on the contrary: by waving the banner of security and modernity, decision-makers are able to justify and introduce ever newer tools of surveillance.

Is the expansion of surveillance a civilizational necessity that we simply must accept? Many people think so. But not us.

As the details of our daily lives become more transparent to the organizations surveilling us, their own activities become less and less easy to discern.

Zygmunt Bauman, author of the theory of liquid modernity

The subtle, initially invisible, erosion of our freedom begins with small concessions. The individual leans in the direction of conformity, adapting his/her behaviour to what's regarded as normal. […] Surveillance kills change, the courage to make change, the courage to behave differently. […] We are in the process of creating a society under surveillance, constantly calculating: "how do I look in the eyes of Big Brother, who is ceaselessly watching me? How will his assessment affect my professional and social opportunities?".

Irena Lipowicz, Ombudsman

HOW ARE WE MONITORED?

Far beyond our sight, they keep an eye on all of us. They monitor our telephone signals, observe the routes we travel along, and take countless photographs.

Video surveillance cameras accompany us virtually everywhere: throughout the city space, in shops, schools, cafés… Officially they help maintain security. However, so far nobody has proved this to be the case. In fact, they lead to voyeurism and a gradual acceptance of our every step being monitored.

Sometimes we ourselves take on the role of watchers (e.g. when using Google Glass and other devices). The ability to peep and record that comes with technology can be very tempting. Thus, we document everything, everywhere, and always, supplying companies and the state with information about us, about our dearest ones as well as about people we don't even know, but who are within the scope of our monitoring devices.

The universal tool of entertainment, work and communication, these devices know virtually everything about us. Always connected to the net, they allow for collection of the wealth of information – both the data we ourselves make available, as well as data we've never heard of (like the logs generated by our applications and devices). Based on these digital traces, we can be identified and kept under surveillance. The entirety of our Internet communication passes through someone's hands: even our private emails are nothing but a postcard which can be read by anyone who participates in its delivery.

We can never be sure how, where, and by whom we are being observed and monitored. But one thing is certain: our ideas, opinions, thoughts, and plans are of great interest for those who wish to shape them, including businesses and the state.

A very personal device, one that is always with us. At any given moment it reveals where we are and with whom we connect – and delivers such data to the operator (who stores all metadata on our connections) and to the police and intelligence agencies (should they take an interest in us), and to producers of the software we either purchased together with the new phone or downloaded. Our mobile phone can also reveal secrets to our relatives, if they want to spy on us, too.

Those who wish to increase the level of surveillance often appeal to our emotions, most often, to our fears. The promise of a safe world, one without threats or dangers, is used to justify taking away our freedoms one after another.

The finger is the most popular carrier of our biometric identity (others are the iris, the eye, the voice, heartbeat, vein patterns). We now use our fingerprint to unblock our phones and make small purchases. By doing so, we ignore the fact that we leave our fingerprint everywhere. Its replication and re-use will not be a challenge to somebody with some level of proficiency.

Our wallet is thinned since it holds more cards than coins – items that, apart from being substitutes for paper money, also enable constant monitoring of how much we spend and on what, when and where. Businesses use this information to offer us their latest products. But this is not everything. Cards equipped with an RFID chip are particularly vulnerable because it is possible to hack them from afar.

ID cards, bus passes, and work IDs allow us to be identified, at the same time enriching huge databases that hold records of our activities. Many of our ID cards hold more information than necessary, and many entities share that information without our control.

An obvious target for monitoring where we are. This is why cars more and more often are equipped with GPS transmitters. Road traffic is also one of the favorite objects for video surveillance, the purpose of which is by no means limited to tracking drivers who ignore red lights. More and more often identification of license plates is included in the package.

Those in power make decisions about who will be kept under surveillance, well as how, why, and for how long. Public institutions also benefit from bulk data collection. At the same time, it is these very institutions that are capable of protecting us from those businesses that thrive on the commercialization of our data.

The Panoptykon Foundation is young and edgy but asks urgent questions in a wise way. It takes steady nerves and serious investigation to tackle surveillance – one of today's most pressing ethical and political issues.

David Lyon, a leading researcher of and theoretician on society under surveillance

Panoptykon is a model example of the new type of social and civic organization. Katarzyna Szymielewicz, the president of the Foundation, together with her colleagues, understands that the most important tool in dealing with emerging issues is knowledge. It is not enough to claim that the problems of privacy and surveillance are pivotal in the digital world. This must be demonstrated, and then passed on to the public opinion using precise and rational arguments.

For several years I have watched as Panoptykon has been patiently and consistently building up its resources of knowledge, developing its expert skills, and learning how to effectively engage in public affairs. As a result, this organization has become an essential reference point in every debate on the problems and challenges of information society.

Edwin Bendyk, author and publicist

LAUNCHING THE PANOPTYKON FOUNDATION

We believe that there must be limits to surveillance. It should not be applied without awareness and control of those who are watched nor beyond the legal framework. New technologies should serve people and not be used against them. The Panoptykon Foundation was founded on the premise that negative social phenomena should not be ignored and with the belief that – thanks to knowledge, commitment, and determination – we can change the world around us and make sure that surveillance is curtailed. **Thus, the goal we have set for ourselves is to be a guardian of human rights and freedoms in a surveillance society.**

We strive to achieve this goal by operating on three levels:

1. **Monitoring surveillance practices** – we follow media reports and scientific findings, we cooperate with experts in the field, and we conduct our own research. We rely heavily on access to public information (FOIA requests), and we stubbornly ask relevant questions. We listen to what others have to say. We try to understand how surveillance works and what consequences it may have. This is the base and starting-point for our further endeavors.

2. **Watching the watchers** – we observe the law being drafted, the law in action, and the operations of both public authorities and private companies. We evaluate draft laws, criticize dangerous solutions and advocate for systemic changes. We point to abuses and negligence connected with surveillance. We operate independently and form coalitions with other organizations.

3. **Informing and educating** – we draw attention to problems connected with surveillance in public debate. We inform about threats and worrying practices on our website, in our newsletter, through social media and our blog. We cooperate with the media, both answering questions from journalists and encouraging them to take up the difficult issues that we work on. We organize seminars, discussions, and workshops. We also produce educational materials, thematic studies, infographics and video materials.

watching the watchers

informing and educating

monitoring surveillance practices
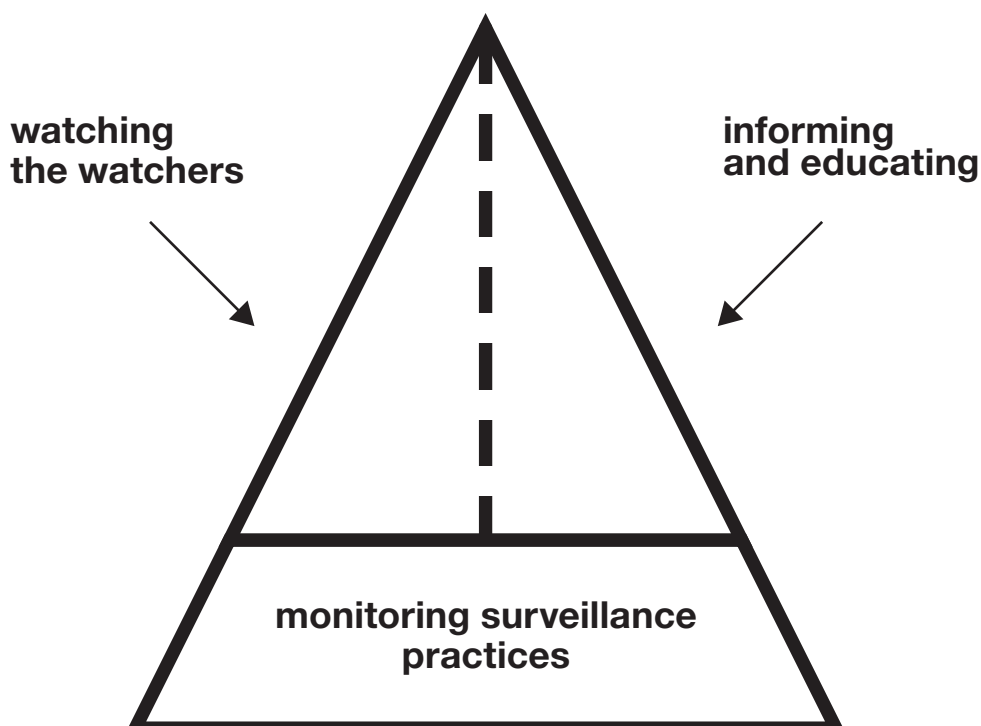
Given such diverse methods of operation, the Panoptykon Foundation must combine features and skills from various fields. In fact, our mode of work resembles a combination of:

§   a law firm,

🗣️⁾⁾   a lobbying firm,

📰   a news portal,

📢   an ad agency,

🔍   a research centre,

🎤   a training company and event agency.

We distinguish ourselves from any one of the above in that we are a civil society organization: we set our own goals and we do not work for profit. Nonetheless, like every other professional entity, we must know how to:

📊   secure and manage financing.

Moreover, it is especially important in our domain that we are fully familiar with:

▣   new technological solutions.

In the case of a small organization with a very modest budget, combining these different skills is a major challenge. Our own answer was to build a strong team of energetic individuals, who are capable of working on several fronts at once and not afraid of dealing with a broad range of tasks.

The subversive inspiration for the name "Panoptykon Foundation" came from the name that the 18th-century philosopher and social theorist Jeremy Bentham labelled his concept of an ideal prison. His Panopticon was a ring-shaped building divided into cells for convicts who would always be visible to the guard positioned in the watchtower that marked the core of the circular construction. The guard himself – the watcher – due to his place in the central tower, remained invisible, so it was impossible to know in which direction he was looking at a given moment. Bentham was convinced that the uninterrupted monitoring of prisoners was not possible in practice, but he stipulated that the same effect could be achieved through creating a situation, in which the prisoners know they could be observed at all times. Bentham's design served as an inspiration in creating penal institutions and was used by French thinker Michel Foucault as a metaphor for modern society. The presence of the word symbolizing the perfect prison in the name of our organization is meant to remind about the dark side of surveillance, while our logo is meant to symbolize the breaking of prison walls.

In our daily work, standards matter. We see the following three as the most important:

1. **Independence** – in line with our mission, we ourselves choose our goals, methods of operation, and the specific tasks we mean to carry out. For a watchdog organization this is a fundamental value, even though it does pose certain challenges, both in our daily operations and in searching for sources of financing.

2. **Openness** – while we firmly stand behind our convictions, we are also ready for discussion and willing to listen to the arguments of our adversaries. We are eager to talk with the intelligence community, companies that commercialize our data and, indeed, everyone who knows surveillance from the other side. We also strive to operate as transparently as possible, regularly publishing information on what we do, disclosing our financial reports, running a Public Information Bulletin and patiently answering all the questions that we are asked.

3. **Cooperation** – we work as a team, both within our organization and beyond. This is why we actively contribute to the operations of the European Digital Rights coalition and cooperate with more than a dozen organizations from a range of countries (e.g. the Electronic Frontier Foundation, La Quadrature du Net, Bits of Freedom, Chaos Computer Club, Digitale Gesellschaft). On our home ground, in Poland, we work with many civil society organizations (including the Helsinki Foundation for Human Rights, Amnesty International Poland, the Center for Civic Education, the Modern Poland Foundation and the Digital Center) as well as with public institutions that share a similar mission (the Ombudsman, the Data Protection Authority, and the Supreme Audit Office).
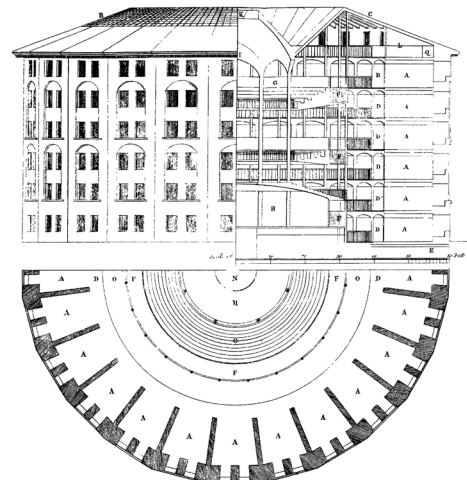
Panopticon,
as designed by Jeremy Bentham

The Panoptykon Foundation's team, photo by Roch Forowicz

Katarzyna Szymielewicz – co-founder and president
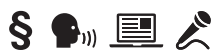
§ 🗣 🖥 📢 🎤 📶

Małgorzata Szumańska – co-founder and vice-president

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Anna Obem – team-member since 2011

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Kamil Śliwowski – cooperating expert since 2009, team-member since 2014

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Wojciech Klicki – team-member since 2012

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Jędrzej Niklas – volunteer beginning in 2011, team-member since 2012

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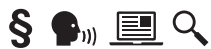
Karolina Szczepaniak – volunteer beginning in 2011, team-member since 2012

🖥 📢 🎤

Anna Walkowiak – team-member since 2013

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Michał „Czesiek" Czyżewski – team-member since 2013

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AREAS OF ACTIVITY

I. Protection of privacy

The emergence and development of services whose business model is based on large-scale data processing entails a serious threat to privacy. As a society, we are mostly unaware of intrusive practices involving our private data. While we also lack knowledge about how to protect ourselves, the state and law do not provide us with effective tools to solve the problems posed by new technologies and modes of communication once regarded safe and universally beneficial. Despite the European Union's attempts to adopt new regulations and safeguards for the public, citizens' efforts to safeguard their rights face a Sisyphean task of working against the political stalemate and intensified lobbying attempts waged by both public and private entities wishing to forestall real change.

Selected activities

1. We monitor political and legal processes concerning data protection – since its very beginning, we have been following European data protection reform and the politics behind it, in particular the actions taken by the Polish government.

2. We raise public awareness in Poland about what happens in Brussels (via numerous publications, statements for the media and infographics) – it is us who opened the public debate about the surveillance state and citizens' rights in Poland. Recently we have been busy reporting law-shaping efforts taken on the EU level (some of them going exactly against what we advocate for).

3. We cooperate with the European Digital Rights (EDRi) – our experts have submitted evaluations on hundreds of amendments discussed by European legislature, preparing materials for decision-makers and journalists. We have also taken the discussion to business circles, which resulted in the joint statement of the Panoptykon Foundation and the most influential Polish business chamber.

4. We engage, as the only non-profit organization, in reforming law on the national level – we have co-hosted a series of expert workshops and participated in regular meetings of the working group at the Ministry of Administration and Digital Agenda.

5. We educate – by providing practical knowledge on online privacy protection, preparing scenarios for teachers ("Digital toolkit"), carrying out lessons at schools and organizing workshops for teachers, coaches, NGOs and students alike.

Positive changes

1. The need to increase privacy protection in the context of changing technology became a common ground in the Polish public debate. On a regular basis influential national media reported developments related to the new legal framework emerging on the EU level (*Gazeta Wyborcza*, *Polityka*, *Polish National Radio*, *TOK.FM*).

2. Our recommendations, developed in the EDRi network, influenced the position of the European Parliament, MEPs publicly referred to and quoted our opinions numerous times.

3. Polish authorities took an active role in reforming the data protection framework on the EU level. The government organized public consultations and, as a result of them, incorporated a full one-half of our most important recommendations in negotiating instructions for the Polish delegation.

> 93% users of our website believe that our efforts increase citizens' knowledge concerning the need to protect personal data. 82% believe we effectively initiated public debate in this area and 71% agree that our efforts have a positive influence on the legal framework dealing with personal data protection.

II.   Internet Freedoms

Internet businesses and corporations operating in an online environment base their business models on tracking and profiling their clients. Each click sets a flood of information into motion. Some of it we supply ourselves, though often we do not realize the actual size of the digital trail that we leave behind. We witness many political and market developments that further undermine the position of users and citizens – effectively strengthening Internet surveillance and undermining both freedom to use electronic communication and freedom of speech.

Selected activities

1. We examined how eagerly public authorities reach for data collected by Internet service providers – who is asking and what they receive from the companies. In other research projects we looked at how Polish Internet service providers handle content take-down requests and how public libraries apply filtering software.

2. We analyzed and commented on dozens of Polish and EU legal proposals – bills and ordinances, EU programmes, directives, resolutions and conventions. We have responded to each and every attempt of introducing legal measures possibly detrimental to Internet freedoms (in particular those designed to block websites). In coalition with other organizations, we successfully opposed the creation of the Registry of Forbidden Websites and Services.

3. We quickly responded to ACTA – we have been monitoring proceedings on ACTA from the start and soon became involved in various efforts against the agreement. We were running an informational campaign in Poland, and – during the explosion of social protests that followed – it was our site that was an immediate source of credible information. We answered countless questions from the media and shared our views in public discussions. We mobilized citizens to contact their elected representatives and ourselves exerted pressure on the government, which finally changed its position and stopped ACTA. We co-organized the Improvised Congress of the Free Internet, an informal gathering of Polish *ACTAvists*.

4. We educate and encourage the youth (and adults, too!) to take matters in their own hands – through such tools as a guidebook showing how information travels in the Web ("The Adventures of the Information on the Internet"), infographics, manuals, brochures, scripts for teachers and trainers ("Digital Toolkit") and own workshops.

Positive changes

1. The concept of creating the Registry of Forbidden Websites and Services collapsed. The Polish government opted not to block Internet sites as a general policy, and the European Union withdrew their support for the idea of obligatory blocking.

2. The Polish government withdrew its support for ACTA, thus effectively blocking its way through European institutions.

3. We disclosed numerous documents previously kept in secret (i.e. pertaining to ACTA).

4. Decision-makers finally realized that ignoring the voices of citizens in the matter of how the Internet should be regulated is a blind-alley – as a result, they opened up to dialogue and endorsed a good habit of public consultations.

Prime Minister Donald Tusk and Panoptykon's Katarzyna Szymielewicz at a meeting on Internet regulation. Source: the website of the Prime Minister's Chancellery.

The award ceremony at TOK FM.
Source: Agencja Gazeta

Radio TOK FM recognized our involvement in stopping ACTA and ongoing work in the area of digital rights. In 2012 TOK FM awarded its yearly Anna Laszuk Prize to Katarzyna Szymielewicz and the Panoptykon Foundation for "vigilance and struggle for important yet difficult issues that are neither easy nor popular with the media".

III. Security policy

"Security" became the key to all doors. If some type of surveillance can justify itself in terms of security, its political legitimization becomes so strong that effective opposition is almost impossible, even if everybody knows that such measures are not going to deliver what they promise. This creates leverage for both private and public security apparatuses, enabling them to use ever more advanced tools of surveillance without democratic control and public scrutiny. The same logic encourages "public-private partnerships" and passing commercial data to state institutions whenever demanded.

Selected activities

1. We collect information – starting with the issue of access to citizens' telecommunications data, we have submitted hundreds of requests for public information and conducted numerous conversations with police officers and prosecutors. As a part of this research, we have analyzed and compared Polish and foreign legal regulations.

2. We disclose information relevant to the public – it was our publication showing the scale of the mining of telephone billings that started the Polish public debate on how state access to such data should be regulated. Since then we have engaged in a number of public campaigns, discussed this problem during public events and collected the most important information in the guidebook "A mine of telephone data".

3. We advocate for legal changes regarding access to telecommunication data both in Poland (in cooperation with the Ombudsman, Data Protection Authority, and the Supreme Audit Office) and in the European Union (together with the EDRi network). We have drafted legal positions and opinions for the Constitutional Tribunal in Poland and decision-makers.

4. We monitor the legislature – all draft laws regulating and defining the powers of intelligence agencies are subject to our examination, which results in detailed opinions on these proposals presented in Parliament and delivered to relevant government bodies.

5. We pay particular attention to mass events and their relationship with surveillance, neglect of civil liberties and abuse of security measures. Starting with the EURO 2012 football games, we have been airing our criticism of changes to the law and its implementation justified by such "states of exception".

6. We ask difficult questions to the Polish government and intelligence agencies – not only did we follow the reports on PRISM and other mass-surveillance programmes, we acted upon them too. In cooperation with the Helsinki Foundation for Human Rights and Amnesty International Poland we submitted 100 questions concerning the surveillance of Polish citizens. We have joined international protest campaigns and penned a letter to the President of the United States.

Positive changes

1. Important information concerning the use of telecommunications data and the connections between Polish and US intelligence agencies has come to light thanks to our activities. With time, access to information has become easier. The majority of intelligence agencies have changed their practice and limited the scope of "secrecy by default".

2. Data showing the mining of telephone billings deeply influenced Polish public opinion. The Ombudsman, Data Protection Authority, the Supreme Audit Office, the Polish Bar Council, and other bodies have begun to actively seek legal changes.

3. The European Court of Justice declared Data Retention Directive invalid. The Polish Constitutional Tribunal undermined the legal basis for the state's unlimited and uncontrolled access to telecommunications data. Further legal changes are pending.

4. The period for the mandatory storage of telecommunications data in Poland has been shortened from 24 to 12 months.

The 'National Fence' campaign,
photos by Jędrzej Niklas, Barbara Gubernat

You talk about the mining of telephone billings. First, they ignore you. Later, they say you don't know how to interpret the data. Next, they suggest you may be manipulative or too radical. In the end, they'll agree that – maybe – it's worth reasoning about, after all. Let's try to understand each other. So that they can clarify things, give their reasons. They start inviting you to conferences and seminars. They try to soften you. But your questions have already inspired others: state institutions and the media. They enter regular public debate. The Constitutional Tribunal quizzes you. The intelligence community, the police, and the courts all bungle their explanations. And so the law changes, as does society's approach and its sensitivity. This is the engine behind Panoptykon's 5-year success story, in this and other matters.

Adam Bodnar, deputy director of the Helsinki Foundation for Human Rights

IV. Monitoring and observation

The development of technology brought about the ubiquity of surveillance tools. The most popular among them are surveillance cameras, which enable the state to conduct wide-scale observation of its citizens. The same thing happens when companies watch their employees and customers, schools and parents peek on the children and neighbours spy on each other. Officially, it is done for "our" security. In reality, however, these practices have little or nothing in common with ensuring security on a national, municipal or even local level. Ubiquitous forms of video-surveillance provoke voyeurism and an erosion of privacy, which spawns a range of negative social consequences. The lack of a precise legal framework, as it is in Poland, only strengthens the negligence of the rights of those under surveillance, still in the name of "security".

Selected activities

1. We analyze the discourse behind the implementation of video-surveillance in Poland and abroad, along with scientific publications concerning its (in)effectiveness – we have researched what Poles think about surveillance cameras and how this technology of surveillance influences their everyday life. We have collected data on the use of urban CCTV systems and cameras at municipal swimming pools.

2. We fight for legal regulation of surveillance cameras in Poland – in cooperation with the Ombudsman and Data Protection Authority we have been advocating for the adoption of comprehensive legal regulation in this area. Being the only organization not connected to the surveillance industry, we took part in an expert workshop organized by the Ministry of Internal Affairs and presented our critical analysis.

3. We intervene in cases of abuse, such as the use of surveillance cameras at swimming pools or recording teachers' meetings at public schools. We also started a public discussion with the Ministry of Internal Affairs concerning its dubious role in the research project INDECT (intended to develop a "smart" version of video-surveillance).

4. We draw public attention to the development of video-surveillance beyond democratic control – we fuel public debate on this topic, cooperating with the media, organizing discussions, seminars and happenings. Our observations have been summarized in the guidebook "Living among the cameras".

Positive changes

1. Critical voices from various public and non-governmental bodies are now being raised in the public debate concerning the ubiquity of surveillance cameras.

2. The Ombudsman, Data Protection Authority and the Supreme Audit Office joined the public campaign demanding comprehensive legal regulation of video-surveillance.

3. Decision-makers acknowledged that they cannot ignore problems connected with the unregulated use of surveillance cameras. The Ministry of Internal Affairs has finally started working on a legal regulation in this area. The draft law includes many of our recommendations.

A happening during 'Freedom Not Fear Day' in 2009, Warsaw; photo by Alicja Szymczak

WE ARE PROUD TO HAVE...

1.
Succeeded in building a dynamic and stable organization, despite limited sources of financing and the low-level of awareness of the problems we address.

2.
Made surveillance an issue of public debate. We have launched public discussion and generated sustained media attention in many surveillance-related issues that were not perceived as problems before.

3.
Established cooperation with numerous organizations and institutions both in Poland and abroad, thereby placing the problem of surveillance in Poland on the international map.

4.
Disclosed information that was previously held in secret, thereby increasing the transparency of public institutions – in particular in the area of public security.

5.
Helped to stop quite a few legal changes, both in Poland and on the EU level, which would have had a negative impact on so-called digital rights.

6.
Earned an expert reputation. Our analyses and research findings have been frequently quoted by such institutions as the Ombudsman, the General Prosecutor, the Legislative Council, and the Supreme Audit Office.

7.
Won recognition for our efforts. 93% of those who visit our website see our materials as interesting, 90% deem them trustworthy, and 89% claim they are useful. Teachers and trainers who used our scripts for children and the young; also gave us very positive feedback.

8.
Regularly encountered people who admit that our efforts have drawn their attention to new issues, compelled them to reflect on and even change their daily practices. For us every such case is proof that our work makes sense!

The Panoptykon Foundation continues to discover new areas that are vital for the protection of human rights and freedoms in the endlessly developing world of new technologies. In a very short time Panoptykon has awakened public opinion in Poland and opened the eyes of all of us to a range of threats (including to our privacy and access to information) that arise from the abusive application of surveillance techniques in our daily life. The integrity and innovativeness of Panoptykon's work have made it an important partner and a source of inspiration for other organizations – ones not only in Poland, but in Europe, as well.

Draginja Nadaždin, director of Amnesty International Poland

Cats also like Panoptykon gadgets, photo by Joanna Łojas

PANOPTYKON IN NUMBERS

FIVE YEARS OF OUR WORK HAS RESULTED IN THE CREATION OF A WEALTH OF MATERIALS:

We have submitted more than

520

requests for information to public institutions – from the offices of the Prime Minister and government ministers, to the police and intelligence agencies, all the way to municipal bodies.

We have drafted over

160

legal opinions, positions, and interventions and passed them on to institutions and individuals responsible for the creation and functioning of the law.

We have published more than

1300

articles and updates on our website.

We have made presentations at conferences, seminars, and public meetings (organized by ourselves or others) on more than

150

occasions.

Thanks to our own articles, reprints, interviews, quotations, etc. we have appeared in the opinion-shaping media outlets (the press, radio, television, Internet) more than

1000

times.

Our activity has been expanding year by year. We began without any external financing whatsoever and managed to receive our first grant after a year's work, in recognition of our first successes.

THE FINANCIAL MEANS WE HAD AT OUR DISPOSAL IN SUBSEQUENT YEARS*:
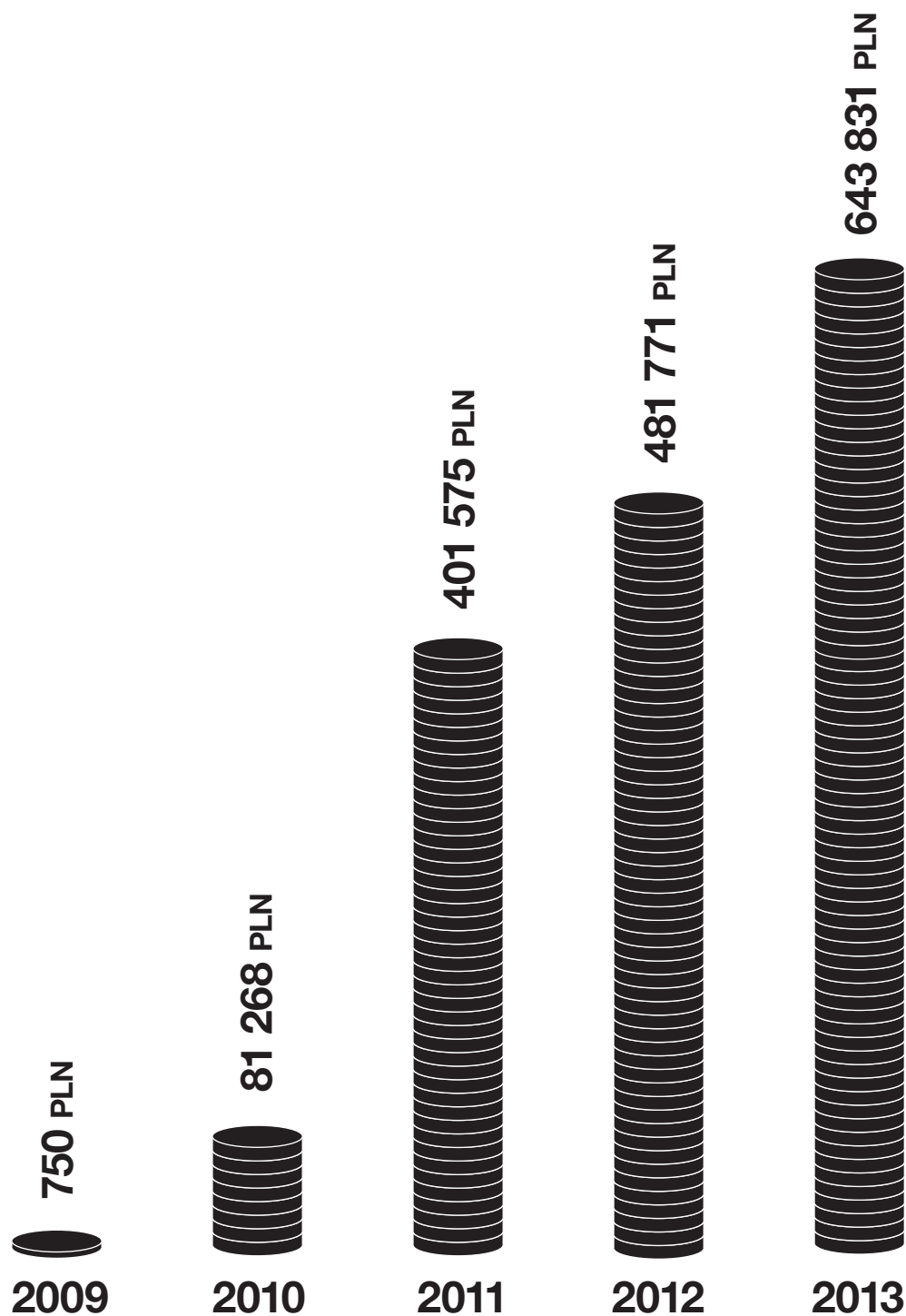
750 PLN — 2009

81 268 PLN — 2010

401 575 PLN — 2011

481 771 PLN — 2012

643 831 PLN — 2013

* This breakdown was prepared for the needs of this report. For more detailed information on the finances of the Panoptykon Foundation, including our financial statement, please visit our website.

The greater part of our financial means comes from grant institutions which run open competitions for carrying out projects in certain areas. Only a fraction of our budget comes from donations from private individuals. We see those donations, however, as a crucial element of our organization's financial stability. They allow us to swiftly respond to new challenges and to carry out tasks that exceed the framework of the projects financed by grant institutions.

THE SOURCES OF OUR BUDGET IN 2013*:

WATCHING THE WATCHERS
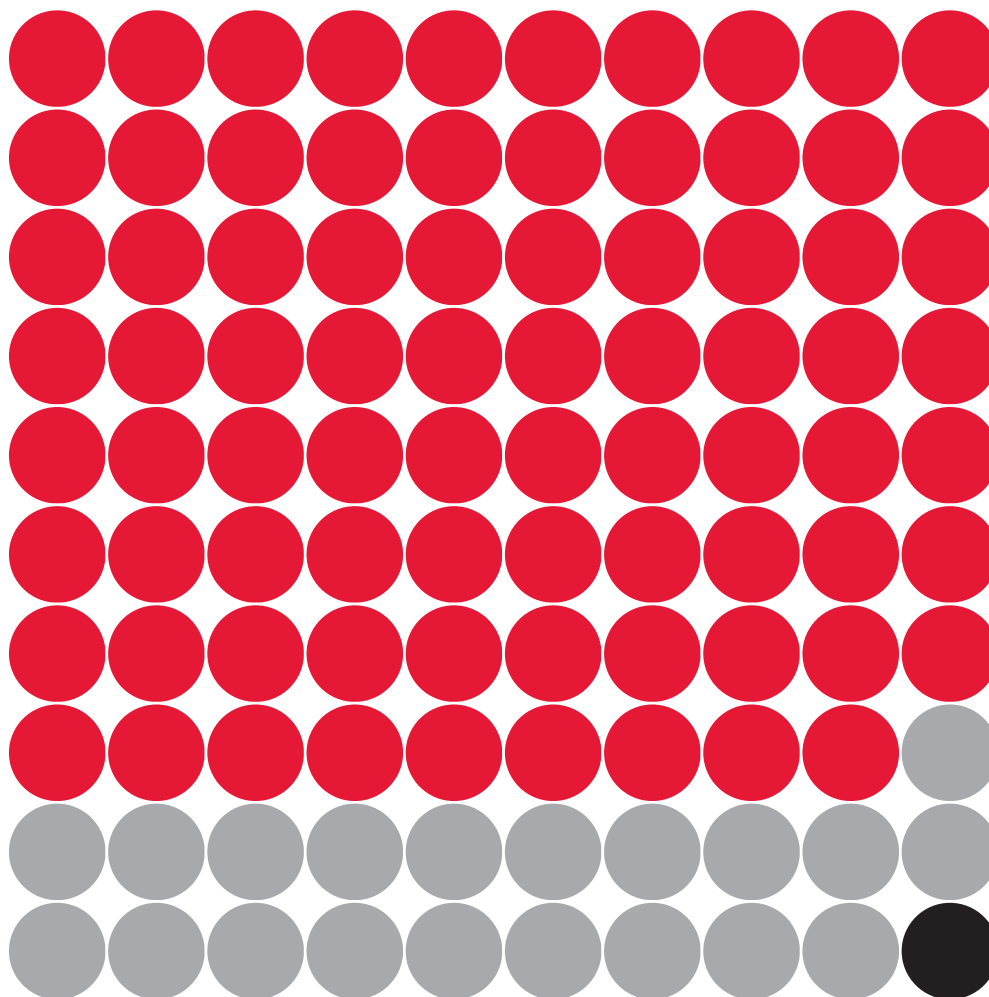
● grants from private institutions – **79,8%**

● grants from public institutions – **19,2%**

● other sources, incl. private donations – **1%**

The Panoptykon Foundation would not be able to operate the way it does without its devoted, competent and effective team. This is why most of our resources go to salaries of team members. On the other hand, we do our best to minimize administrative costs.

EXPENSES IN 2013*:
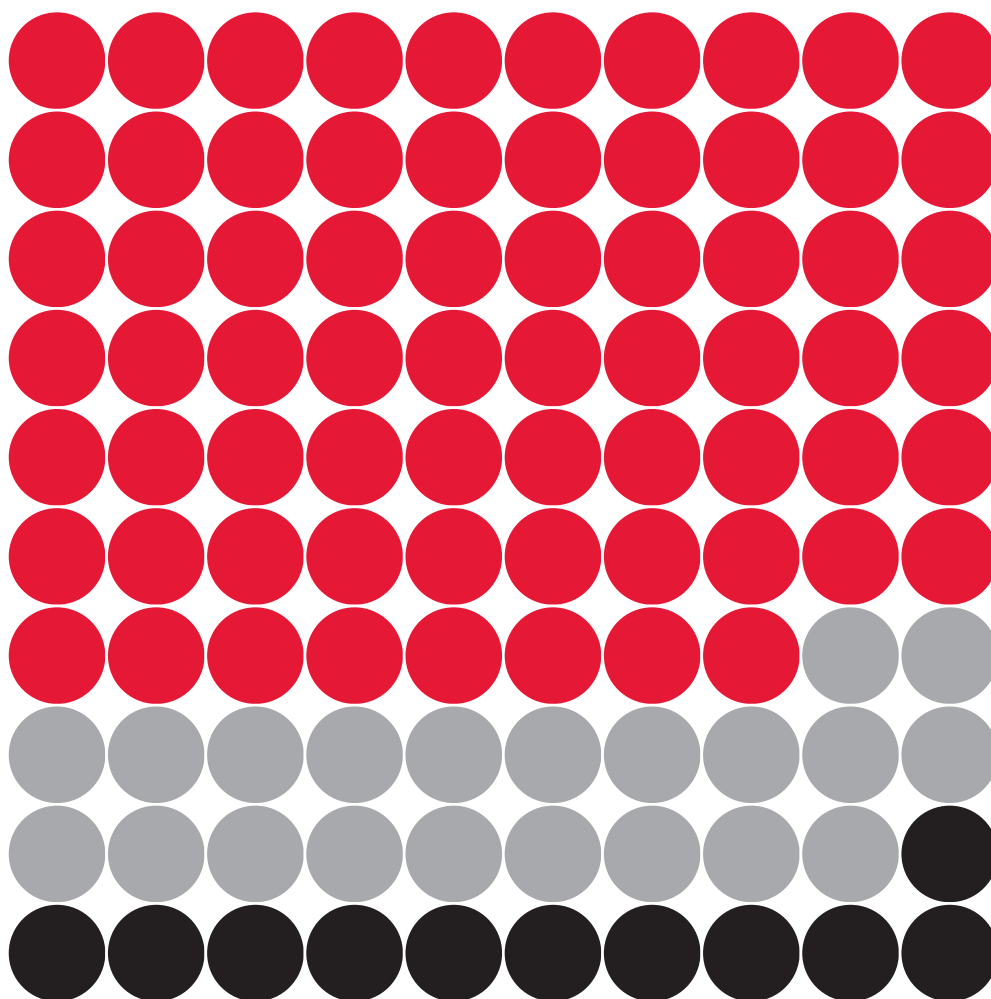
● salaries of team members – **67,7%**

● other project-related costs (e.g. publishing, graphic design) – **22,3%**

● administrative costs (e.g. office maintenance, accounting, Internet) – **10%**

* This breakdown was prepared for the needs of this report. For more detailed information on the finances of the Panoptykon Foundation, including our financial statement, please visit our website.

GOALS AND CHALLENGES

—————

In the upcoming years we aim to expand our activities, particularly in the area of education. We are planning to:

1) keep a close eye on both public and private entities who engage in surveillance practices, in particular to collect more data and evidence, and report cases of abuse;

2) keep track of all dangerous political initiatives and advocate for legal solutions that provide better human rights safeguards, in particular as far as the operations of intelligence agencies and cyber-corporations are concerned;

3) map connections between Polish public institutions and companies that sell surveillance technologies;

4) reach out to new audiences with information about our activities and surveillance-related problems;

5) develop more practical, visually attractive educational resources (guidebooks, infographics, games) and train the trainees so that they can multiply our educational efforts;

6) create space for joint actions or getting involved in our activities for those who share the need to change the world around them.

We will get there. But we also see some challenges emerging on the way:

1. Every day brings new problems associated with surveillance. They emerge with the development of new technological tools and the increasing volume of data available about us. As we won't be able to confront all those issues at all times, we know we will be facing some difficult choices.

2. We speak about troubling issues and expose the dark side of the digital world. It is no surprise that the first reaction we often get is some form of denial. Not everybody is ready to face the unpleasant truth about living in a surveillance society.

3. In this battle we have to confront both state and business, each of which has unmatchable resources at their disposal. This is why we must never let our guard down. Our "negotiating position" is determined by the strength of our arguments – this is the only weapon we have.

4. It is not easy to secure financial resources for this type of activity. What makes it even harder, is that Poland lacks a tradition of support for watchdog organizations.

SUPPORT US!

The Panoptykon Foundation is the only organization in Poland that responds to the challenges posed by surveillance. To continue this work, we need financial support from all those who share our values. There are three reasons why we value the support of individual donors so much:

1. For watchdog organizations, independence and trustworthiness are of critical importance. In order to maintain them, we cannot pursue all sources of funding. What impedes us most is the fact that we watch both the public authorities and private companies.

2. Our work makes sense only if we can respond to emerging problems fast enough. It can get complicated because many of them are unforeseeable at the stage of drafting applications and planning projects. Without resources received from private sponsors, it is all the harder for us to maintain flexibility.

3. Although the issues we address concern everyone, they are not simple or easy to grasp. Our work is exciting, but day-in, day-out it requires tireless consistence, patience and commitment. It seldom brings instant or spectacular successes. And so we cannot rely on huge, random donations, but rather need the steady support of people who believe in what we are doing.

Help us to achieve what we have planned for upcoming years! Send your donation to:
PLN: PL 43 1440 1101 0000 0000 1044 6058
EUR: PL 11 1440 1101 0000 0000 1417 0658
USD: PL 85 1440 1101 0000 0000 1209 4205
BIC (SWIFT) Code: BPKOPLPW
or even better, set up a standing order with your bank.
We are really counting on your support!

The Panoptykon Foundation's team,
photo by Kamil Śliwowski

We cordially thank all who have been supporting us: our friends and supporters who get involved in our activities, offer their advice, assistance and constructive criticism; our volunteers; and grant institutions that trusted us with their money. Without you there would be no Panoptykon Foundation. So, it is thanks to you that we may celebrate 5 years of our work. We like to think that this is just the beginning!

Photos by Roch Forowicz

WATCHING THE WATCHERS
5 YEARS OF THE PANOPTYKON FOUNDATION

FUNDACJA PANOPTYKON

panoptykon.org

Warsaw 2014