



PHARE PROGRAMME TWINNING PROJECT NO. LV/2002/IB/OT-01

DATA STATE INSPECTION

Document 20

Activity 4.1

Development of a public awareness strategy for the general public

written by

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DATU VALSTS INSPEKCIJA

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1) Project Targets

- **Targets according to the covenant of the twinning project**

In the Twinning Covenant the expectations concerning component 4 “Information and awareness raising concerning data protection” are described as followed:

In activity 4.1 “Development of a public awareness strategy for the general public” the MS expert will analyse the current practice regarding information campaigns for the general public in Latvia and the existing information material. An overall strategy for a public information campaign should be developed, taking into account the experience with public information campaigns in Austria and Germany. The strategic plan for an awareness campaign will be approved by the Project Leader and the director of DSI for implementation. These are so far the objectives for this paper.

Nevertheless all other activities in this component are worth mentioning in a brief version, because some measures are already fixed in the covenant even the strategies are not written:

Based on the under 4.1. developed strategy, the MS experts and the DSI experts will in activity 4.4 create concepts for leaflets on the rights of data subjects under Latvian and EU legislation and the role of the DSI for the general public concerning social welfare.

An awareness strategy for data controllers and processors (date protection in security administrations police, district attorneys, intelligence services) as far as it concerns the European law should be developed in activity 4.2. The strategic plan for an awareness campaign among data controllers and processors will be approved by the Steering Committee for implementation. Based on this the MS experts and the DSI experts will create concepts for a brochure including checklists on data protection issues for the day-to-day-work of data controllers in activity 4.3. MS experts will also conduct training and information seminars for data controllers, processors by using the prepared information material. Finally two one day seminars for judges should be carried out in activity 4.5 by an MS Expert, who is Judge, to raise awareness among Latvian Judges.

- **Special circumstances of the activity 4.1**

There already exist two papers from two Short Term Experts. Bernhard Bannasch has written a “Strategy for a public awareness campaign for the general public in Latvia” in February 2005. Waltraud Kotschy develops several ideas and measures to reach some special target groups in her Paper” How to raise awareness concerning data protection - Initiatives aimed reaching special target groups “

Furthermore, the DSI has since the end of 2003 an own detailed “Strategy of Public Relations and Communications 2004 – 2007”. It was written from Mr. Egons Alers, who is actually responsible for public relations and communications

The different responsible persons for this project have – facing these actual circumstances – different angles to see the project targets.

Mr. Friedrich Lachmayer, responsible for the project from the Ludwig Boltzmann Institute of Human Rights, expects one coherent and modern paper, which summarizes the existing strategies, supplemented by new ideas.

Mr. Egons Alers would prefer if the additional strategy concentrates basically on possible communications measures, beside the possibly necessary supplements to the strategy papers.

In all probability the DSI will be an independent organization within the next months (a constitutional amendment is aspired). Mr. Thomas Giesen, as Resident Twinning Adviser, expects from this paper a clear guideline how the head of this “new” organization should organize the communication activities with the different target groups. He stressed that the DSI has a fundamentally function for a democracy as an independent instrument of control of state institutions.

2) Introduction

Most of the parts of the mentioned two papers from the Short Term Experts, Bernhard Bannasch and Waltraud Kotschy are included in a new structure in this strategy paper, supplemented by comments or new ideas from me. The central ideas from the internal strategy from Mr. Alers are included in the analytical part to describe the current situation.

All activities which concern data controllers or processors in the public or private sector are not in the focus because there will be another strategy especially for them in activity. The emphasis for this strategy is on activities for the general public.

As an introduction it might be useful in chapter 2 to show once the model of the classical marketing mix to define the four areas (Branding, PR, Advertising, Online), which will be important in this paper.

Chapter 3 gives an impression of the different historical development of Data Protection in western und eastern Europe and defines why the awareness of the existence and the knowledge about that subject are essential for a (young) democratic society in the beginning of the 21st century.

Chapter 4 will give as part of the analysis an short overview about the actual Latvian public relations and communications activities including the objectives, awareness data from a survey, measures, resources and planned activities.

Chapter 5 will include the strategy as described above.

Examples and possible measures are described in chapter 6. Examples with communications activities for German DPA’s are shown – in the annex a lot of examples are illustrated. For the Latvian DSI the already developed communications steps will be described and some new ideas will be added.

Finally chapter 7 presents the summary of the essential “To Do’s” in a brief guideline. In the annex you will find the used sources, the existing local communications strategy and the detailed presentation of the examples from Germany.

3) Definitions

The DSI should organize its communication activities according to a strategic communications plan. This plan should be based on the principles of integrated marketing communications.

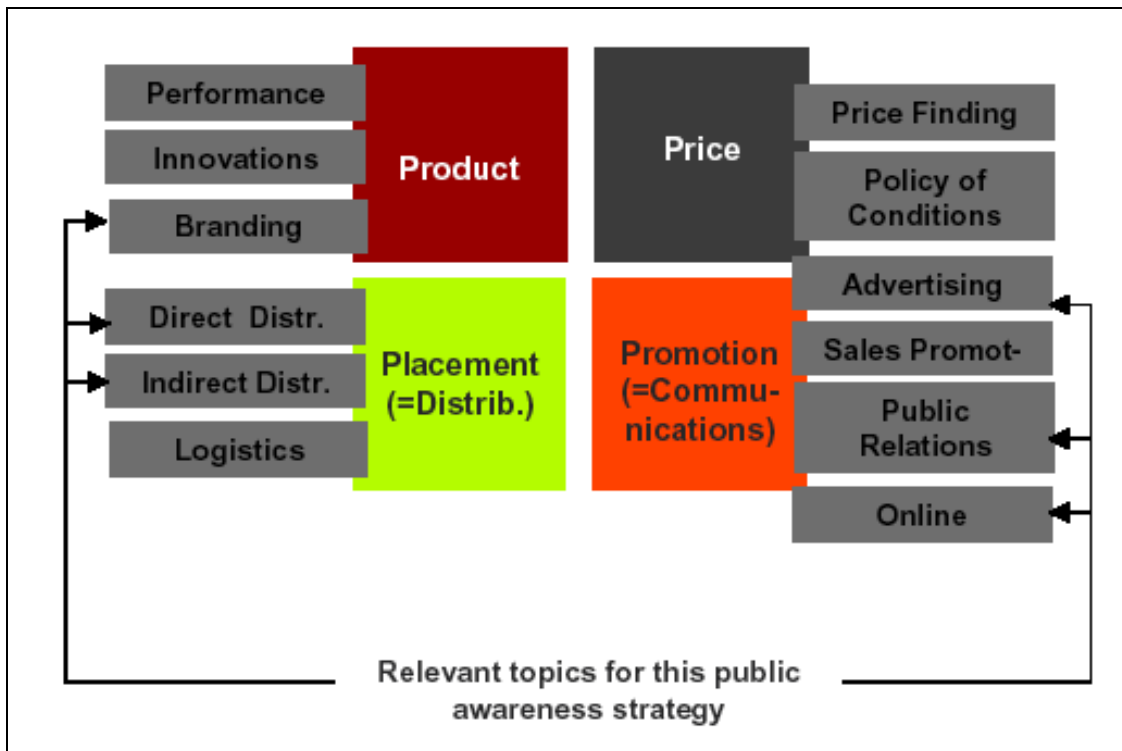
Therefore this part will explain useful definitions from the marketing communications sector. They will be presented here to show the used approach to integrated marketing communications and to explain the terms which will be used further on.

- **Classical marketing mix**

The marketing mix approach is one model (see the graph on the next page) of crafting and implementing marketing strategies. It recognizes that marketers have essentially four variables to use when crafting a marketing strategy.

They are price, promotion, product and distribution. Even not all aspects of this common model are relevant (like the dimension price), it shows what aspects of the DSI’s identity and activities will be discussed.

Marketing mix:



A brand is a product, service, or concept that is publicly distinguished from other products, services, or concepts so that it can be easily communicated and usually marketed. It should be as unique and distinctive as possible. A brand name is the name of the distinctive product, service, or concept.

Branding is the process of creating and disseminating the brand name. Branding can be applied to the entire corporate identity as well as to individual product and service names.

The distribution concerns all questions where the product, service or concept is available for the consumer or user.

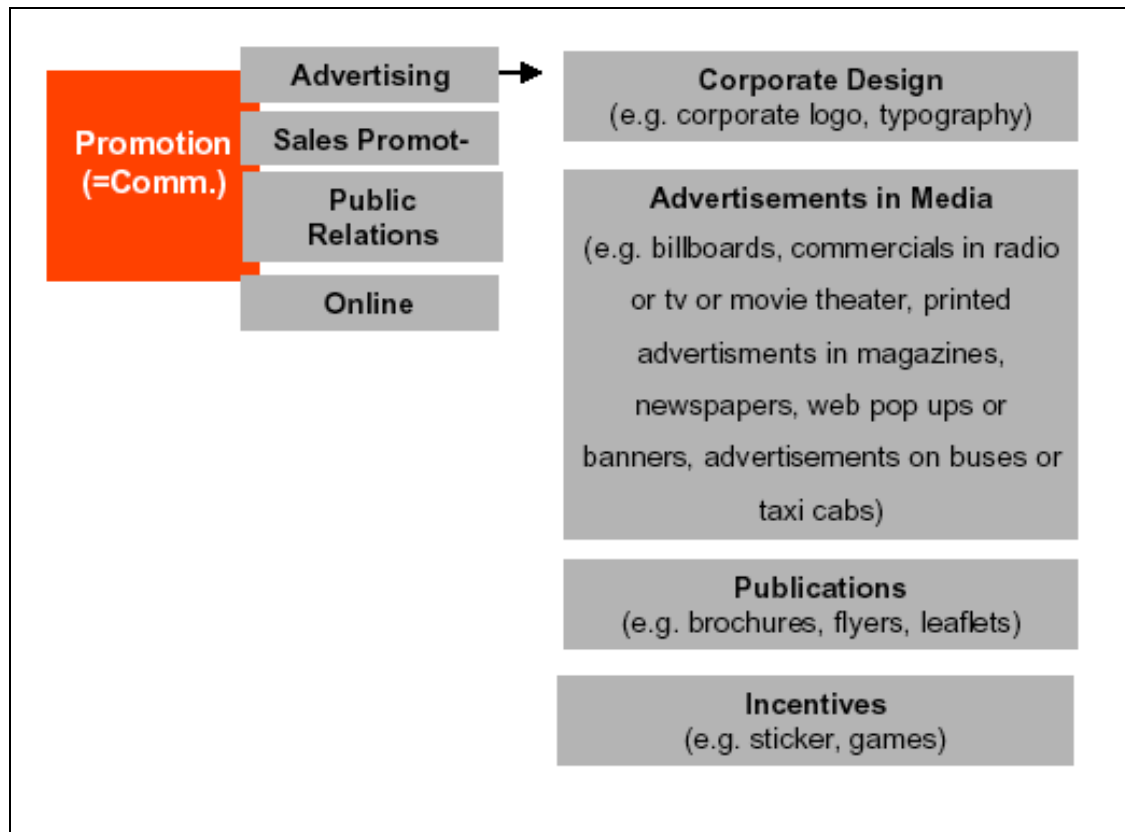
- **Marketing communications**

Marketing communications are all the communications between the organization and all other parties. It encompasses all the traditional forms of promotion including for example advertising, sales promotion and public relations and also the online activities. But it aims to be broader than this. It includes all points of contact between the organization and other parties. It includes everything from the way the telephone is answered, to the way the fleet of vehicles is maintained and used, to the quality of envelopes used. It is commonly accepted that Integrated Marketing Communications should be the goal of such a marketing

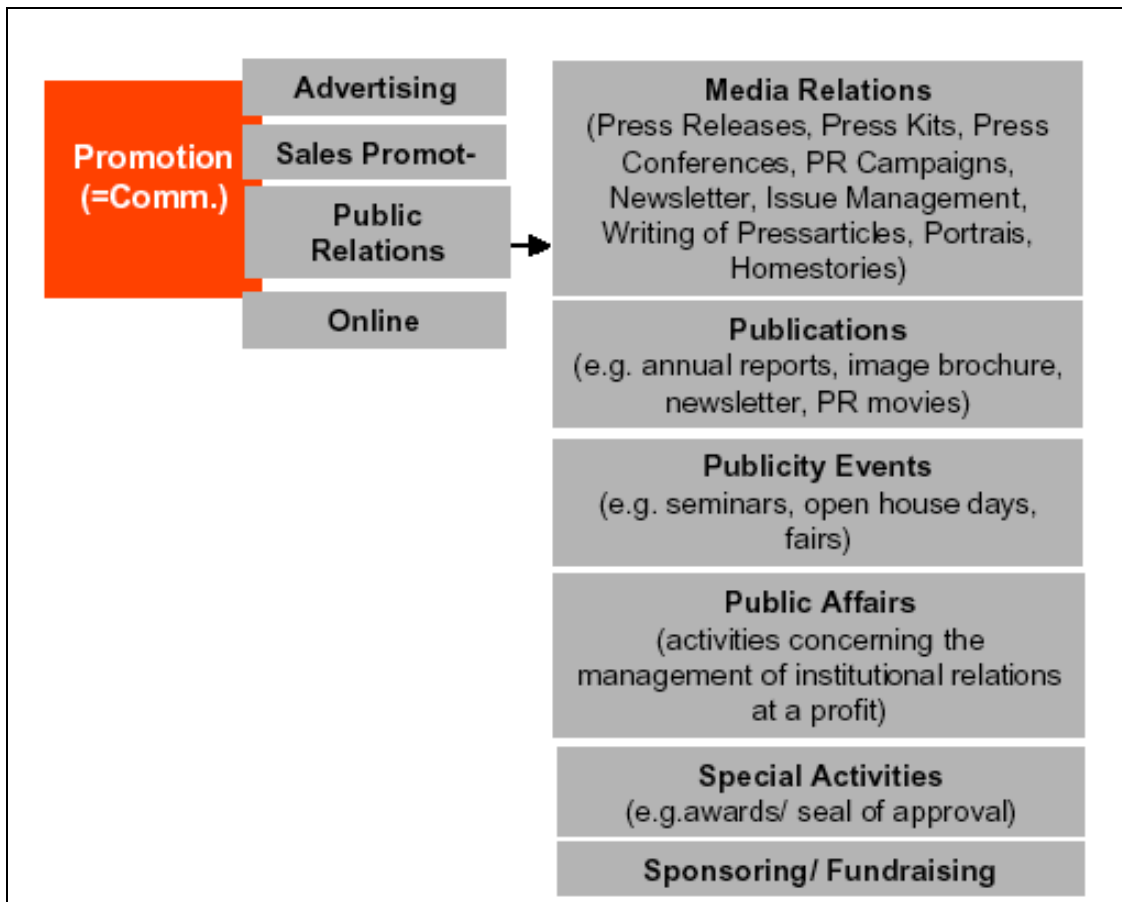
communications strategy. All points of contact with the organization should present the same corporate identity.

- **Marketing communications measures**

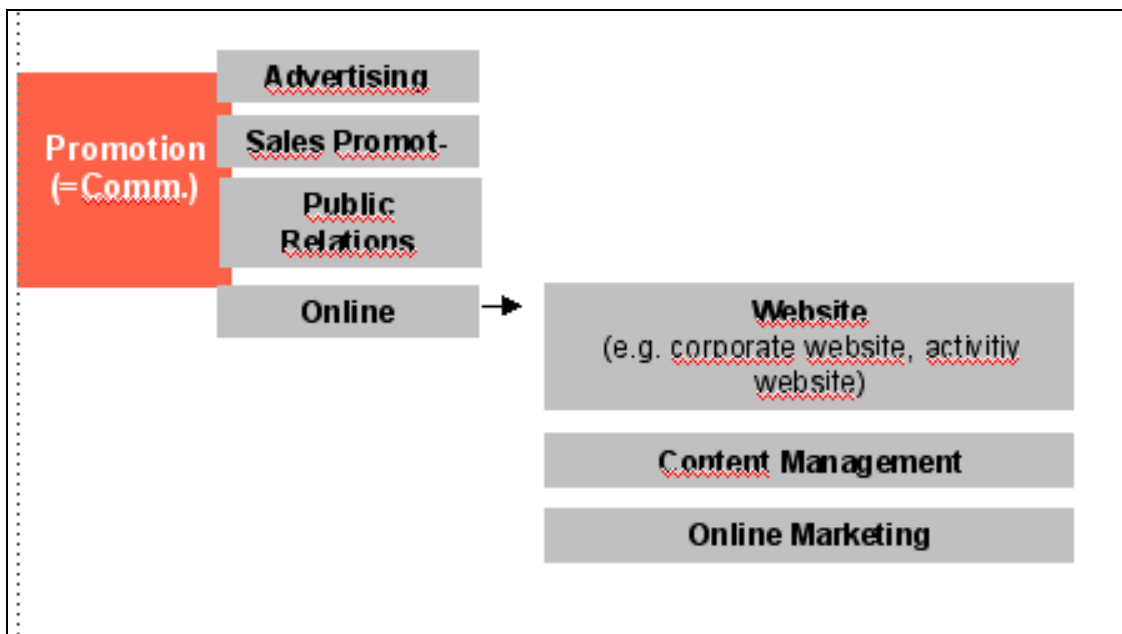
What activities belong to the sector of advertising?



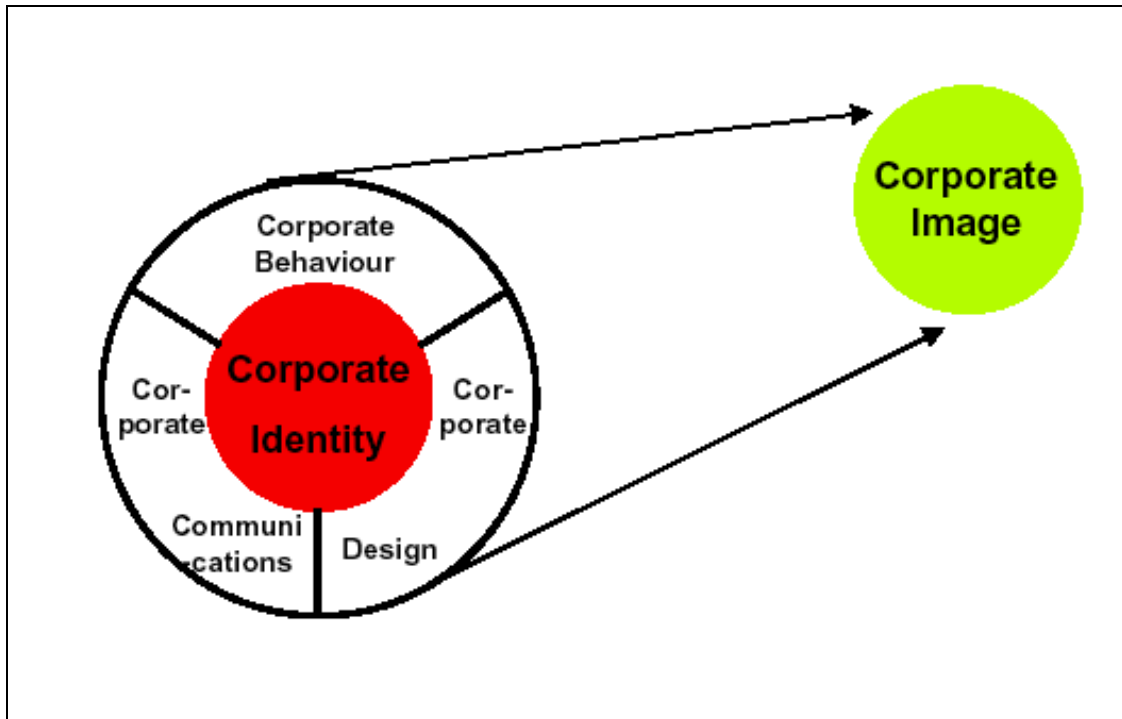
What activities belong to the sector of public relations?



What activities belong to the online-sector?



What is a corporate identity?



The corporate identity describes the strategic conception of positioning of a company or an organization. This includes the answers to the following questions: How do we want to behave, to communicate, to look alike – what image do we want to achieve? The definition of all identity items and their integration and coordination will cause a congruent pattern of acting. The long-term target is to embed a profiled and clear picture in the mind of the (Latvian) society.

4) Development of Data Protection in East and West²

The strategy has to consider in its conception the background of a 46-year soviet rule and legislation in Latvia without any data protection, the fundamental changes that took place in this time in the highly developed countries caused by data processing and the necessary balance between the power of authorities based on personal information and the necessary control and restrictions of these powers. Latvian legislation, esp. the Latvian Personal Data Protection Law/the EC-Directive (95/46/EC), which is part of the *acquis communautaire* of

² Based basically on the strategy of Mr. Bernard Bannasch

the European Union (EU), and the Latvian Electronic Documents Law should be mentioned if required.

- **Data privacy as a fundamental right in the post-soviet, free and democratic era**

Data privacy as a fundamental right was unknown in the Soviet Union. Soviet citizens could not act against the state in order to protect their individual rights, for the individual was not a subject, but an object of state activities. Soviet authorities raised personal data, when it seemed to be useful to their purposes, combined them with other personal data from other sources, transmitted them whenever it seemed useful and stored it for a long time and any purpose. There were no restraining regulations on the use of personal information by state or economic institutions regarding individual rights. Especially people not belonging to the mainstream of society, e.g. suspects, criminals, prisoners, foreigners, ill persons, the poor, the elderly etc. were mere objects to state institutions. Especially the repressive character of the police, the health service, the intelligence services and the entire industrial-military complex was based on processing personal data. There was almost no possibility for the oppressed individuals to regain lost reputation, to act independently or to defend themselves against administrative acts violating their individual rights or their property, material as well as immaterial. On the other hand side the soviet industry did not raise much personal data from its customers; the creation of more perfect industrial goods or customers satisfaction was not a main goal of soviet economic units, as it's well known.

- **Fundamental change of societies and economy caused by data processing**

Beginning in the 1960`s western societies changed fundamentally towards data processing societies. Information, personal as well as non-personal, became the main basis for the economic development in the highly developed countries. This historical process, which can be compared to former industrial revolutions, has not ended yet.

There was a growing concern in western societies about the means, the amount and the purposes of personal data processing in the 1970`s. In 1970, the German state of Hessen was the first state worldwide to pass a data privacy law. The main approach in these times was to secure civil liberties opposite to the public institutions, whose technical possibilities – and therefore power - did increase enormously by using modern electronic data processing means. In 1995 the European Commission and the European Council passed the EC-Directive on data privacy and the free data transmission for commercial purposes. This was a major step towards common standards of data privacy among EU-member states. It was implemented in the legislation of the member states meanwhile.

It seems therefore indispensable to create a common understanding of what is data protection and regulations on data processing all about. Data privacy should be understood in the general public as a fundamental right of every citizen in a free and democratic society opposite to the public authorities to protect his or her liberties. It might be hard to understand, but data protection commissioners as official authority do control and limit the power of other official authorities of the same entity. But by this way, data privacy will not only protect the rights of individuals, but create a free and liberal society with its benefits on the whole as well.

With its EU-membership, Latvia has to implement the *acquis communautaire*. One main item of this *acquis communautaire* is the abovementioned EC-Directive on data privacy (95/46/EC). It guarantees a common standard of data protection and data processing procedures among the member states, which are neither allowed to fall below nor to exceed the given standards.

5) Analytical view on the DSI's communications activities³

For this chapter the following sources had been relevant: the existing internal public awareness strategy for the DSI from the end of 2003, the content of the website and the results of a meeting with the responsible person for communications at the DSI, Mr. Alers.

• Objectives

These overall aims and special aims of public relations and communications strategy had been formulated in the internal strategy paper: "The aims of communications strategy evolve from policy aims defined in the general organizational strategy. The overall aim of DSI communications strategy is to emphasize all instruments used by DSI to promote rule of law. Special aims of the DSI communications strategy are the following:

1. In the Section on representation of DSI interests – to promote objective understanding as regards the operation and mission of DSI, explaining the necessity for legal status conforming to EU requirements and for sufficient financing in order to be able to carry out the obligations.
2. In the Section on personal data protection – to promote understanding and raise the level of awareness on the rights and obligations of the society in the field of personal data protection.

³ Many parts in this chapter are quoted directly or summarized correspondingly from the local internal strategy (marked by quotation marks) or the annual report.

3. In the Section on freedom of information – to promote understanding and raise the level of awareness on the rights and obligations of the society in the field of freedom of information.
4. In the Section on DSI image – to promote the image of a reliable and competent assistant and partner, providing comprehensive information on the operation and tasks of DSI. “

- **Awareness of the DSI**

“In Autumn 2003, DSI made a survey of inhabitants of Latvia as regards personal data protection (representative poll of 1014 permanent residents of the Republic of Latvia aged 18 to 74). The survey also confirmed the necessity to advertise DSI, creating an image of an institution which is responsible and worth the confidence of individuals in it, because even if almost one fourth of the respondents (23.3%) recognized the name of DSI, only 6.1% of the respondents admitted that they have turned to any institution with complaints or claims regarding erroneous processing or unlawful use of personal data.”

- **Measures (Branding, PR, Advertising, Online)**

The chapter “Public Awareness Raising” in the Annual report of Data State Inspection of 2003 (a newer one is not available in English at present) gives an impression on the activities:

“In 2002, the DSI has ensured public awareness raising activities regarding the functions, goals and tasks of DSI. There have been publications in all the major Latvian newspapers. As part of cooperation between mass media and the DSI, consultations have been rendered; interviews and advice have been given on many aspects of personal data protection, the current problems, potential offences and proceedings of examination. The DSI employees have appeared on television and radio, informing the society about activities of the DSI, specific matters on personal data protection, as well as various aspects of legal acts governing personal data protection. Mass media receives information about the DSI topicalities on a regular basis.

Particularly, attention was focused on specialized publications. In cooperation with several newspapers’ and magazines’ supplements for accountants and lawyers, explanations and information regarding problems in personal data protection, registration of personal data processing systems and other current topics have been published.

In 2002, the DSI representatives have delivered more than 20 lectures on security issues of personal data processing systems, legal aspects of personal data processing and processing of personal data in state and municipal institutions and enterprises.

The DSI website (www.dvi.gov.lv) has been developed and is updated regularly. It contains information in Latvian, English and Russian on functioning of the DSI, legal acts governing field of personal data protection, and current issues at the Inspectorate. Pursuant to requirements of the Personal Data Protection Law, the DSI website can be used to obtain information on the registered personal data processing systems.

To communicate with those interested, information e-mail address (info@dvi.gov.lv) has been created, which gives an opportunity to efficiently get in touch the DSI and to obtain the necessary information or consultations electronically. In 2002, more than several thousand persons interested used this e-mail address. The questions that do not require any further analysis are answered within one day.”

Additional actual information on **Branding** activities:

The Logo and the design which is visible on the actual website at the moment have a kind of an unofficial status. Because the DSI is a state institution it has to use on all papers the official design components. With the change of the status of the institution this is supposed to change and a broader use of the elements visible on the website will be possible.

Additional actual information on **PR** activities:

The contact to the Latvian media is considered as quite good. But the results of the work and information differ a lot: On the one hand there are journalists who are responsible for special media or special interest broadcasting who are in the meantime quite competent about the subject of data protection. On the other hand Mr. Alers has to deal very often with journalists who know nothing or a minimum about data protection. The issues which are communicated are for one half initiated by DSI's activities and the other half is based on questions or ideas journalists themselves have. At the moment the basis for getting in contact with the journalists are the contact details Mr. Alers is collecting. There does not exist any kind of a central database for the journalists. Beside the available material on the website the DSI does not offer a general press kit – the information needed by journalists is collected case wise. The results from the work with the media – articles or broadcastings – are collected but not in any systemized manner. Special events like press conferences are given when there is a relevant subject.

Additional information on **Advertising** activities:

At the moment there doesn't exist any promotional material for the public and no actual printed information material like for example leaflets. At the end of 2003 there was something like an unexpected extra-budget available. This was used to publish once some advertisements in newspaper in the beginning of 2004. (Unfortunately it wasn't possible to get for this analysis examples and also an impression of the older leaflets or from the advertisements.)

Additional information on **Online** activities:

Mr. Alers is also responsible for the content management of all parts of the website which are directed to the media.

- **Planned activities & Internal ideas for new activities**

In the internal strategy which was written in the end of 2003 several activities for the coming years were suggested but hadn't been realized so far. Mr. Alers talked about the following ideas:

In 2006 some activities will take place around the fifth birthday of the DSI. It is planned to conduct the survey from 2003 a second time with an identical design and questionnaire. The results should be used for PR activities.

Another idea is to create a data protection newspaper.

To create something with or for the target group of school students is another perspective for an activity.

The website is another potential field of activities to optimize the services to the general public. There is an idea to offer a "Frequently Asked Questions"-Area or to set up an online discussion forum.

- **Resources**

"Talking about working out and implementation of public relations strategy, insufficient funding currently does not allow to plan and implement large campaigns involving important financial and human resources." "Currently the Inspection has 18 employees, and there is no separate post of a Public Relations Expert on the staff list." Actually Mr. Alers is now the personal consultant for communications activities to the head of the DSI.

Mr. Alers is optimistic that there might be a fixed budget from the moment on the DSI will be an independent institution.

6) Public awareness strategy for the general public

- **Conclusions from the analysis**

The general objectives like they are described in the internal strategy are absolutely appropriate.

During the last years the DSI has already done a lot of efforts to organize and to realize communications activities in a professional matter. It's positive that there is a competent person responsible for that subject and that there is already an internal strategy which expresses a certain level of relevance of the subject. On the other hand the closer look on the day-to-day work shows that there are many opportunities to improve the performance (especially in the sector of public relations). The actual efforts in servicing the media and in providing the website show continuity and response but a lot of things can still be improved.

The amount of the existing activities has to be considered as not very high in comparison with the aims in the internal strategy. There is obviously a considerable gap between the theoretical claims and the reality with its restrictions.

Almost all of the already planned activities do make sense. From my perspective there is an in the public interest toward data protection in the idea of a data protection newspaper. The success of that idea depends very much on the selection and presentation of the subjects and on the distribution of the newspaper. Maybe it would be better – instead of an approach to the general public - to work here more specific very close to the interests and needs of the different target groups.

- **Target Groups⁴**

“The survey of inhabitants of Latvia carried out in 2003 regarding personal data protection shows that relatively more concerned with the issues of data protection seem to be the economically active segment of the population – those are inhabitants aged 25 to 54, with higher education and most secure in the financial terms. Those groups of respondents contain the highest number of individuals who have most frequently had situations where personal data fall into the hands of unauthorized persons or institutions and who have most concern about ensuring personal data protection.” (quoted from the internal strategy)

Following Mr. Bannasch's idea the awareness campaign should focus on this population segment and within primarily aim at **high-level decision-makers** and

⁴ Based basically on the strategy of Mr. Bernard Bannasch which was written in the Twinning Project in February 2005, beside of some supplementary comments and quotes

opinion leaders and additionally at the **press**. Although all levels of society are affected by data processing, it might be wise to approach initially only decision-makers and opinion leaders and to broaden the activities step by step to the general public.

From my point of view I would suggest a “Top-Down and Bottom-Up”-strategy in selecting the target groups. Spread the subject from the economical and intellectual top down and up from the young generation in Latvia. It would be useful and future-orientated to focus also on this part of the general public: the **upcoming information society generation**. All children and young people will build the fundament of Latvia’s society in the future. They are the group whose life will be affected most from technological progress in a globalized world. Because of that their sensibility for their rights and obligations as data subjects should be strengthened.

Relevant in the described sense for **high-level decision-makers** and **opinion leaders** are the juridical community in universities and other academic institutions, parliamentary caucuses, mayors, the ministries and political parties. In particular relevant are the decision makers and leading administrative persons in the social security system, the health service, the police and law enforcement authorities and any other administration dealing with personal information. High-level decision-makers in the private sector, esp. in the telecommunications and software industries, should be aimed at, too.

The academic community in universities

The academic community in Latvian universities should be approached in order to gain their support for the aims and goals of data privacy. The Riga Technical University, the University of Latvia, the University of Rezekne and the other academic institutions (Institute for Electronic and Computer Science), even the Daugavpils Pedagogical University and other suitable institutions should be approached. Selected professors dealing with law - esp. constitutional law, police and intelligence law, health legislation, data processing etc. should be approached.

Try to engage selected professors of law to help explain data protection to the public

Parliamentary caucuses

The legislation of the Saeima determines the future status of data privacy in Latvia. Therefore the Saeima is extremely important for the DSI. It depends on the Parliament whether data privacy issues will be accounted or neglected in future legislation. Especially future legislation on independence of the DSI, its financial means, the number of its staff and data protection in special legislation etc. will depend on the increased awareness of data protection issues by parliamentary decision makers. The DSI should primarily approach high-level

decision makers in the parliamentary caucuses, esp. the chairmen and the general managers of the Caucuses and maintain enduring relations to this group. Alongside with these activities, data protection issues should be discussed with every MP who seems to be interested or approachable.

Try to build up and maintain an enduring network with MP`s

Political parties

Activity three might be accompanied by approaching political party leaders outside the Saeima. It is well known, that the political landscape in Latvia is quite splintered. An approach to political party leaders should therefore concentrate on the most important (bigger) ones.

Try to talk regularly with political leaders

Mayors

Mayors are responsible for the entire local affairs. They are therefore a main target group for the awareness campaign.

Make inaugural visits to the mayors of the bigger entities

Ministers

Ministers should be approached to awaken the consciousness of these persons to data protection issues in their offices. e. g. the Minister of the Interior, who is responsible for the police and the intelligence services, should be approached especially carefully and well prepared. It would be useful to maintain good and constant relations with him or her.

Make inaugural visits to ministers and try to maintain good enduring relations to them

Doctors, esp. in the health care units, and other medical professions

Data protection in the health care system is extremely important. The relations between doctors, general practitioners as well as doctors in clinics, and the patients depend on the secrecy of the relation. A special topic is data protection with psychiatrists. No personal data must be revealed or disclosed without a legal basis, even not to the police or other law enforcement authorities. There might be some deficits in Latvia on this topic. Therefore doctors should be approached very intensely in order to raise awareness concerning data protection and the consequences of violation.

Establish a data protection curriculum for doctors and other medical professions

Mass media, esp. the press

Mass media play an extremely important role in a free society. Their power can be compared with the classic powers like legislation, executive power and jurisdiction. Mass media are able to influence or even create public opinion on certain aims and goals. Mass Medias support is indispensable for the DSI in gaining the public opinion especially regarding its future tasks as a totally independent data protection authority. Controlling and advising the public authorities as well as the private sector will probably only be successful, when mass media will support the view of the DSI.

The DSI should build up and maintain good relations to (some) relevant journalists. The acceptance of fundamental rights like data privacy by the general public depends on this support. An awareness campaign should therefore start with a well-prepared campaign on certain journalists of political papers, predominantly quality newspapers, but also of the more popular newspapers. The aim should be to build up and maintain enduring contacts in a network of journalists and the DSI. The DSI should moreover re-evaluate its media activities.

Try to build up and maintain an enduring and vivid network with journalists

Although the mass media is important in general, the press – quality newspapers as well as popular press – still has the deepest impact on high-level decision makers in politics and economics. Press journalists still have the relatively deepest influence on politicians and economic leaders. It is therefore advisable to concentrate on the press without neglecting radio and TV broadcasting.

Concentrate on the press

- **Central issues and principles to be brought out**

In appointments with the press and the above mentioned other persons the **meaning, the importance and the principles** of data protection should be pointed out, e.g.

- Data privacy is a **fundamental right** opposite to public authorities concerning almost everybody in a modern society. Public authorities like the police; intelligence services, the health care institutions, registry offices, car registry offices etc. raise data from every citizen for legally described purposes, store it and transmit it for eventually different purposes
- Data protection was completely unknown in the Soviet Union, but is now part of the *acquis communautaire*
- Data privacy violations **might affect everybody** (e.g. by wire-trapping, by video surveillance or by police registration), the mighty as well as the powerless, the rich as well as the poor, criminals as well as law-abiding people

- Data privacy might frequently appear contradictory to other goals of public administration and indeed some frictions may occur, but have to be seen as the prize of freedom
- Every single step of data processing in the public sector has to have a **legal basis** (not a sub legal) and there are no exceptions to this rule
- Public authorities have to have a good reason for raising and processing personal data (which must be described in the relevant law) and are only allowed to raise personal data when it is absolutely necessary for their legally described purposes
- Public authorities have to explain their legal competence for data processing, their purposes and their data protection concept in every single case to the DSI and the person affected
- Every personal information in official databases has to be deleted after a determined duration

Members of the DSI should use examples of current data protection violations, which could happen everyday to everybody in Latvia, to illustrate the relevance of the subject. Some examples:

- The overall use of the Latvian personal identity number is not conformable to data protection
- The wide-spread use of video surveillance in Latvia should be restricted or terminated
- Any other results of auditing and control activities, which are not conformable to the law and the EC-Directive

It should be stressed that

- The DSI has to be or is (after a considerable change in legislation) an **independent** state authority to advise, control and restrain other state authorities on data raising and -processing in order to protect the citizens "right to be let alone"
- The DSI will control public authorities **ex officio**, without any complaints by citizens or other occasions
- The DSI will control effectively and without any fear of pressure by state or political authorities, **acting as a lawyer** of those affected by data protection violations
- The DSI tries **to play a part** in this countries data protection discussion
- The DSI tries to be a **reliable counterpart** for public authorities, tries to advise them constantly and strives to be their "brain" on data privacy issues

It should be pointed out that

- Data privacy in the private sector affects almost everybody, because almost everybody is using computers, telephones, credit cards etc. and therefore leaves data traces in databases, which can be easily trapped
- Data privacy in the private sector is a matter of **fair and regulated competition**, but not a fundamental right (which might be hard to understand, but is in accordance with the EC-directive)

These principles might also be recalled and depicted in the **leaflet/brochure**, which is to be drafted in activity 4.4 of the Work and Time schedule.

- **Optimal Conditions**

All awareness activities should be carefully prepared on a strategic basis. The future impact of the DSI on legislation, administration and economic units in order to protect data privacy depends at least on its support by the public opinion. An awareness campaign and public relations are neither secondary nor easy-to-manage. They demand time, skills and responsibility.

The awareness campaign should be started after the predictable considerable change in Latvian data protection law.

The DSI should therefore **should at least keep the already installed position of an responsible employee** for the awareness campaign(s) and public relations- better a competent communications team would be the perfect solution. They should be directly responsible to the head of the DSI. All awareness campaign activities should be concentrated on this team. They should be responsible for press statements, annual or occasional press conferences and all leaflets, brochures and written statements to the public. They should be well-trained persons, best a jurist, with social and journalistic abilities and skills.

An awareness campaign has to be financed. It is therefore important and sets the frame for any activities, that there are **sufficient financial means** in the DSI's budget for this purpose.

7) Measures⁵

- **Examples for communications activities for German DPA's**

In preparation of this strategy some interesting information material of German Data Protection Authorities was collected. Selected examples from different

⁵ The communications activities suggested in Mr. Bannaschs and Mrs. Kotschys Paper are the basis for this part, supplemented by the examples from Germany and some new ideas and suggestions

categories are in the annex with additional explanations why they had been selected. The material and the information are basically from

- Commissioner of Data Protection Lower Saxony
- Commissioner of Data Protection Hamburg
- Independent Centre for Privacy Protection Schleswig-Holstein
- Federal Data Protection Commissioner

At least during the past ten years there wasn't a nationwide special advertising campaign to generate (more) awareness on data protection (authorities) in the population of Germany. But some DPA's do have an extremely (like the ULD Schleswig-Holstein) wide variety of communications measures to get in contact with the public.

Asked for specific experiences the Federal Data Protection Authority remarked that the general public prefers shorter information about single subjects in leaflets and that extensive more complex brochures are preferred from people more specialized on the subject like lawyer.

The following communications measures are realized from German DPA's (*=see the extensive collection including comments in the annex):

Printed Media:

Brochures*, Leaflets*, Flyer, Annual Reports, Data Check Book*

Interactive Media:

Websites, CD-ROM's, Virtual Privacy Office*, privacy information magazine*

Public Relations:

Press Releases, Press Conferences

Publicity Events:

Data Protection Conference (twice a year), Seminars and Workshops*, Summer School*, Symposium

Incentives:

Postcards*, Sticker*, Card Game*

Special Activities:

Seal of Privacy for IT Products, Privacy Protection Audit for public authorities

To understand why there are so many different DPAs with so different material some basic background information on data protection might be useful: As every other legal matter in Germany the subject of data protection is demarcated in a twofold manner. There are public law and private law on the one hand and federal and Laender regulations on the other hand. A further particularity of German data protection law lies in the fact that in addition to the Federal Data Protection Act there are numerous so-called sector-specific provisions.

The control of data protection in Germany is divided as such: The Federal Data Protection Commissioner is responsible for the audits/controls of all federal agencies, all telecommunication services and all postal services.

The 16 Commissioners of the Laender are responsible for the audits/controls of all agencies of the Laender including municipalities and local authorities and some of them (Berlin, Bremen, Hamburg, Lower Saxony and Northrhine-Westphalia) are also responsible for private sector agencies.

- **Possible communications activities in Latvia**

CREATE A CORPORATE IDENTITY

It is necessary to define – under involvement of the DSI's staff and experienced experts – a strategic positioning of the DSI to define the organization's corporate identity. The corporate identity describes the strategic conception of positioning of a company or an organization. This includes the answers to the following questions: How do we want to behave, to communicate, to look alike – what image do we want to achieve?

An awareness campaign should be easily recognized as such. The DSI should be recognized, whenever it turns itself to the public ("**brand recognition**"). As in economic units, it should remain in the minds of the public. The DSI should therefore create or acquire a popular logo, aligned with creating or acquiring a corporate design. The logo should become the permanent logo of the DSI to be used all the time. A short claim, which expresses in few words the key benefits of Data Protection and the DSI should be developed with experienced experts.

IMPROVE THE PUBLIC RELATIONS MEASURES

Press conferences should take place regularly or by occasion. A regular press conference should be held at least once a year. Press conferences at occasion should be held, when severe violations of data privacy have occurred. **Interviews** with journalists should also be held several times a year regularly or on occasion.

Most important – according to journalistic principles – is **to have a message before any activity starts**. This means, that every activity is more or less useless, unless the DSI cannot offer a message to the public at the exact time, it is contacting any target group. Such messages have to consider the interests and information status of the target groups they are working for, e. g. journalists of the mass media or specialized media (computer media, health media, juridical media etc.), the scientific community, leading members the parliamentary fractions or caucuses, the political parties and other must differentiate among them.

According to German jurisdiction, it is one of the legally allowed means of data protection commissioners to inform the general public about single cases, which are or appear scandalously. This would not violate the official secrecy.

Always have a message when contacting the media

In addition to that suggestions of Mr. Bannasch there are some more advices for improving the day-to-day public relations work:

Develop a standard **press kit** about the DSI and Data Protection.

Build up and then update regularly an **electronic database** which includes all Latvian media with the names and information on journalists. Every relevant journalist should be listed with detailed contact information about the medium, his journalistic work field and a protocol what information he or she received from DSI and a list what was published. It is necessary to safe that sensible knowledge about that very important “ambassadors” of news and also opinions in a central place, independent from persons, who work with the journalists. This is necessary in the case that the journalists or staff members at the DSI change their job.

CREATE READY-TO-READ INFORMATION

An awareness campaign needs to use some ready-to-read information on the DSI and its tasks. Therefore leaflets or brochures should be drafted for further general use on the DSI-website as well as in printed copies. The number of copies depends on the financial means, but should not fall below 2000. The main function of these leaflets/brochures should be **to encourage the general public** strongly to turn itself to the DSI and to take advantage of their fundamental right of data privacy, mainly concerning state activities.

There are no special target groups for these leaflets/brochures, because everybody might be affected by data protection violations. According to experience, people will be relatively uninterested in data protection unless they become personally affected.

INTRODUCING DATA PROTECTION

An awareness campaign should therefore start with engaging the scientific community in Latvia to help explain to the public, what is meant by “guaranteeing a fundamental right”. The three best regarded juridical faculties resp. Universities in Latvia should be approached in order to gain their support for a “kick-off-meeting” introducing the idea of data protection to a selected public comprising, if possible, parliamentarians, high ranking administrators (ministers), representatives of political parties, journalists and so on. Adequate Media coverage should enhance the impact of this kick-off-meeting on the public opinion in Latvia. Media coverage should be aided by placing “spotlight”-articles on essential data protection features into print and electronic media.

ACTIVE ISSUE MANAGEMENT

Activity two could be accompanied by starting a control procedure by the Data Protection Authority in an area of government or business, which is especially prone to data protection problems in the perception of the Latvian public. It could also be interesting to choose a topic for inspection which is a general data protection problem pertaining to the public as well as to the private sector, as e.g. the uniform personal identity code (personas kods). The outcome of this control procedure should be starting point for discussion of the practical implications of data protection in the media and in the general public.

In addition, special advantage should be taken from situations which have already gained high awareness because of controversial discussion in the media. In such cases taking a stance in public by proactively approaching the mass media might create a high degree of public perception for the Data State Inspectorate and the cause it stands for.

DATA PROTECTION CURRICULUM FOR CIVIL SERVANTS

If data protection shall become a topic which is habitually taken into account whenever the use of personal data – especially in automated data processing – takes place in the state sector or in the business sector, the legal rules and their application must be moulded accordingly. It would therefore seem advisable to establish a data protection curriculum for specially chosen civil servants from all branches of government, where the implications of data protection could be explained and examples given, how certain types of data protection relevant situations have been dealt with in Latvia so far or even in other Member States of the EU. Persons having undergone this curriculum could act according to the

“snow ball effect” as transmitters of knowledge about data protection in their professional environment and thus help to spread the idea of data protection in those government circles which will be mainly responsible for creating new legal rules and procedures in a data protection compatible way.

8) Final recommendations – a brief guideline

Define – under involvement of the DSI’s staff – a mission statement about the corporate identity. How do we want to behave, to communicate, to look alike – what image do we want to achieve?

Create or acquire a popular logo for the public awareness campaign within a corporate design for the DSI, including an expressive claim.

Try to achieve a constantly strong public support – it will enhance the effect of the DSI and its activities. A weak public appearance will prevent the DSI to be effective.

Prepare activities for an attention drawing moment – the change in Latvian data protection law. The awareness campaign should be started after this predictable considerable change in Latvia.

There should be at least one employee – better a competent communications team - responsible for the awareness campaign(s) and public relations

Ensure the financial means for an awareness campaign in the budget

Focus the awareness activities primarily at high-level decision-makers and opinion leaders, at the press and at the young generation in Latvia:

Try to engage selected professors of law to help explain data protection to the public

Try to build up and maintain an enduring network with MP`s

Try to talk regularly with political leaders

Make inaugural visits to the mayors of the bigger entities

Make inaugural visits to ministers and try to maintain good enduring relations to them

Establish a data protection curriculum for doctors and other medical professions

Try to build up and maintain an enduring and vivid network with journalists – and Concentrate on the press

In appointments with the press and the abovementioned other persons the meaning, the importance and the principles of data protection should be pointed out

Members of the DSI should use examples of current data protection violations, which could happen everyday to everybody in Latvia, to illustrate the relevance of the subject.

It should be stressed that the DSI has to be or is (after a considerable change in legislation) an independent state authority to advise, control and restrain other state authorities on data raising and -processing in order to protect the citizens “right to be let alone”

Possible communications activities in Latvia are:

CREATE A CORPORATE IDENTITY

IMPROVE THE PUBLIC RELATIONS MEASURES

CREATE READY-TO-READ INFORMATION

INTRODUCING DATA PROTECTION

ACTIVE ISSUE MANAGEMENT

DATA PROTECTION CURRICULUM FOR CIVIL SERVANTS

Don't forget the re-evaluation of the outcome of campaigns and activities on a regular basis

9) Annex

Sources

- Mr. Bernhard Bannasch: Strategy for a public awareness campaign for the general public in Latvia (2005)
- Mrs. Waltraud Kotschy: How to raise awareness concerning data protection - Initiatives aimed reaching special target groups (2005)
- Meeting with Mr. Egons Alers from the DSI and
- Material from www.dvi.gov.lv, including the Annual Report 2003

Documents

- Examples for communications activities for German DPA's