FROM PERSECUTION TO PROTECTION

The Origins of European Privacy Law and the Road to the GDPR

How two world wars, European dictatorships, and the weaponisation of personal data shaped the strongest data protection law in the world

Agenda



PART I

Total War & the Age of Registration



PART II

Dictatorship & the Weaponisation of Data



PART III

Post-War Reckoning



PART IV

Cold War Continuity



PART V

From Paper to Computers



PART VI

The European Union Era & the GDPR



Privacy Is a Reaction to Power

- European data protection law was not designed in the abstract — it was forged in response to real, documented abuses
- Two world wars and multiple 20th-century dictatorships showed how records of name, religion, ethnicity, and address could become instruments of persecution
- Understanding this history explains why the GDPR treats personal data as something to be protected by default — not simply processed

> “Data protection law is, in large part, applied constitutional memory — lessons learned from Europe's darkest chapters.”

PART I

Total War & the Age of Registration

How WWI normalised state registration of citizens



PART I — TOTAL WAR

WWI: National Registration and Identity Papers



- The First World War (1914–1918) triggered the first mass, state-wide identity and registration systems across Europe
- Belligerent states introduced compulsory identity documents, population registers, and movement controls to manage conscription, rationing, and “enemy aliens”
- France tightened its “carnet anthropométrique” — a biometric booklet imposed on nomadic populations — turning a peacetime registry into a wartime instrument of suspicion
- The war normalised a new idea: the state has a right, even a duty, to know exactly who its citizens are, where they live, and what they are

1914–18

First mass identity-document systems introduced across Europe

1912→

France's carnet anthropométrique — an early minority registry

PART I — TOTAL WAR

Interwar Europe: Bureaucracy, Nationalism, and the Data State



- 1920s–30s: new and unstable states — Weimar Germany, the newly formed states of Central and Eastern Europe — built large civil registries, census bureaus, and identity systems to police borders and citizenship
- “Population science” became a nation-building tool: ethnicity, religion, and language were recorded to define who did — and did not — belong
- Rising nationalist and fascist movements found these bureaucratic tools ready-made for exclusion and persecution
- This is the administrative soil in which the totalitarian data machines of the 1930s and 1940s would grow

PART II

Dictatorship & the Weaponisation of Data

How Europe's dictators turned population records into tools of persecution



PART II — DICTATORSHIP

Nazi Germany: The Census, IBM, and the Hollerith Machine



- The 1933 and 1939 Nazi censuses used Hollerith punch-card tabulating machines — technology leased from Dehomag, IBM's German subsidiary — to process population data at unprecedented speed
- Questions on religion and ancestry let the regime identify Jewish citizens and other targeted groups far faster than manual clerical methods ever could
- Historian Edwin Black's research (“IBM and the Holocaust”) documents this relationship between punch-card technology and Nazi identification programs
- It stands as one of the earliest examples of data-processing technology being deployed at national scale to enable persecution

1933 & 1939

Nazi censuses processed by Hollerith punch-card machines

Dehomag

IBM's German subsidiary leased the tabulating technology used

PART II — DICTATORSHIP

Nazi Germany: Registries, the Yellow Star, and Deportation



- Comprehensive population and religious registries allowed the regime to compile precise lists of targeted individuals by name and address
- 1938–1941: escalating identification measures — compulsory added names (“Israel” / “Sara”) on ID cards, the yellow star badge (from 1941), a special “J” stamp on passports
- These registries fed directly into the organisation of ghettoisation and deportation to concentration and extermination camps
- Personal data collected for ordinary administrative purposes became a life-or-death mechanism during the Holocaust

PART II — DICTATORSHIP

Fascist Italy: OVRA and the Surveillance State



- Mussolini's secret police, OVRA (established 1927), built extensive files on suspected anti-fascists, socialists, and political dissenters
- A national network of informants reported private conversations, associations, and daily habits, feeding a centralised political-police archive
- Passports, personal movements, and correspondence were monitored to enforce ideological conformity
- Italy shows the pattern extended beyond ethnic and religious minorities: political opponents, too, were tracked and catalogued through personal records

PART II — DICTATORSHIP

Francoist Spain: Registries of Political Enemies



- After the Spanish Civil War (1936–1939), Franco's regime compiled “responsabilidades políticas” — political responsibility — files on suspected Republicans and opponents
- Local civil registries, denunciations, and police records were used to bar people from employment, imprison them, or in many cases execute them — sometimes decades after the war had ended
- Illustrates a lasting lesson for European privacy law: personal records can outlive the political moment that created them
- Franco's dossiers remained dangerous to the people named in them for an entire generation

PART II — DICTATORSHIP

Stalinist USSR: Dossiers, Purges, and the Propiska



- Though outside the eventual EU, Soviet practice shaped Cold-War Europe's fears: the NKVD secret police maintained detailed personal files used to drive the Great Terror purges (1936–1938)
- The “propiska” internal-passport and residency system tracked citizens and restricted where they were permitted to live or travel
- Dense denunciation networks and centralised personal dossiers became hallmarks of surveillance-based political control
- Alongside Nazi Germany, this reinforced Europe's post-war conviction: personal information concentrated in state hands is a standing danger to human rights

PART III

Post-War Reckoning

How the horrors just witnessed produced Europe's first human-rights institutions



PART III — POST-WAR RECKONING

1948–1950: Human Rights Rise From the Ashes



- 1945: the end of WWII exposes the full scale of how population data had enabled genocide and political terror across the continent
- 1948: the UN Universal Declaration of Human Rights — Article 12 declares a right against “arbitrary interference with privacy”
- 1949: the Council of Europe is founded by 10 states — Western Europe's first political body dedicated to human rights, democracy, and the rule of law, created explicitly to prevent a return to what had just happened
- Together, these mark a fundamental shift: personal data moves from an instrument of state control toward a matter of individual right

PART III — POST-WAR RECKONING

ECHR Article 8: The Right to Private and Family Life



- 1950: the Council of Europe adopts the European Convention on Human Rights (ECHR); it enters into force in 1953
- Article 8 guarantees “the right to respect for private and family life, his home and his correspondence” — one of the first binding international legal protections of privacy
- Enforced by the new European Court of Human Rights in Strasbourg — for the first time, individuals could bring their own state to court over such violations
- Article 8 becomes the direct legal ancestor of every later European data protection instrument, GDPR included

Article 8

“Right to respect for private and family life”

1953

ECHR enters into force; Strasbourg Court created

PART IV

Cold War Continuity

How the Stasi kept the lesson alive right up to the computer age



PART IV — COLD WAR CONTINUITY

East Germany: The Stasi Files



- The Cold War kept the lesson alive: East Germany's Ministry for State Security (the Stasi, 1950–1990) built one of history's most extensive civilian surveillance apparatuses
- An estimated one informant for roughly every 60–90 citizens; files were compiled on an estimated one in three East Germans
- Wiretaps, opened mail, and neighbour and informant reports fed enormous paper archives — reportedly over 100 kilometres of files at reunification
- The Stasi's exposure after 1989 reinforced, just as computing was expanding, why Western Europe needed enforceable legal limits on data collection — before computers made mass surveillance even easier

1 in 3

East Germans estimated to have a Stasi file

100+ km

Of Stasi paper archives found at reunification

PART V

From Paper to Computers

How mainframe computing produced the first data protection statutes



PART V — FROM PAPER TO COMPUTERS

The 1970s: The First Data Protection Laws



- Mainframe computers in the 1960s–70s let governments and companies link and cross-reference personal records far faster than any card index — reviving old fears in a new, more powerful form
- 1970: the German state of Hesse passes the world's first data protection statute, the Datenschutzgesetz
- 1973: Sweden's Data Act (Datalagen) becomes the first national data protection law, creating the world's first Data Inspection Board
- Other states quickly follow — West Germany nationally (1977), France's CNIL (1978) — founding a distinct legal field: “data protection,” separate from privacy law generally

PART V — FROM PAPER TO COMPUTERS

Convention 108 (1981): Europe's First Binding Treaty



- 1980: the OECD issues non-binding Privacy Guidelines — the first international consensus on data protection principles
- 1981: the Council of Europe's Convention 108 becomes the first legally binding international treaty on data protection, open to any state
- It establishes core principles still visible in the GDPR today: fair and lawful processing, purpose limitation, data quality, security safeguards, and individual rights of access and correction
- Convention 108 sets the template — and the political momentum — for the European Economic Community to act at Community level

1981

Convention 108 signed — first binding data-protection treaty

5 principles

Still recognisable inside the GDPR today

PART VI

The European Union Era & the GDPR

From a single-market Directive to a binding fundamental right to a global Regulation



Directive 95/46/EC (1995): Harmonising Privacy for the Single Market



- Differing national data protection laws across EU member states created a practical problem: barriers to the free flow of data the single market depended on
- 1995: the EU adopts the Data Protection Directive (95/46/EC) — harmonised rules for all member states, national supervisory authorities, and cross-border data-transfer rules
- Reframes data protection as both a fundamental right and a functional requirement of European economic integration
- As a Directive, it requires national implementation — leaving real gaps and inconsistencies across the EU that would eventually motivate a single, directly-binding Regulation

PART VI — THE EUROPEAN UNION ERA

Charter of Fundamental Rights & the Treaty of Lisbon

- 2000: the EU Charter of Fundamental Rights includes Article 7 (respect for private life, echoing ECHR Article 8) and, notably, a separate Article 8 — “protection of personal data” as its own distinct fundamental right
- 2009: the Treaty of Lisbon makes the Charter legally binding across the entire European Union
- This elevates data protection from ordinary legislation to constitutional-level EU law, giving the future GDPR firm treaty-level grounding
- Article 16 of the Treaty on the Functioning of the EU (added by Lisbon) also gives the Union explicit competence to legislate directly on data protection

Article 8

Data protection — a standalone EU fundamental right

2009

Lisbon Treaty makes the Charter binding law

PART VI — THE EUROPEAN UNION ERA

The Trigger: A World Gone Digital



- 2000s–2010s: internet platforms, smartphones, and cloud computing generate personal data at a scale the 1995 Directive never anticipated
- 2013: Edward Snowden's disclosures reveal mass government surveillance programs, reigniting European public and political anxiety about data collection — echoing Stasi-era fears in a digital register
- Major data breaches and business models built on tracking and profiling users expose the Directive's weaknesses: inconsistent national enforcement, low fines, and no real online-specific rules
- The European Commission concludes that only a single, directly-binding Regulation — applied identically across every member state — can fix this

PART VI — THE EUROPEAN UNION ERA

The GDPR Is Born (2012–2018)



2012	European Commission proposes a comprehensive reform of EU data protection law
2014–15	European Parliament and Council negotiate extensively through trilogue talks, balancing business, civil-liberties, and member-state interests
Dec 2015	Political agreement reached between Parliament, Council, and Commission
Apr 2016	GDPR formally adopted and enters into force
25 May 2018	GDPR becomes directly applicable — as a Regulation, identically, in every EU member state, with no national transposition needed

PART VI — THE EUROPEAN UNION ERA

GDPR Key Pillars



Lawfulness, Fairness & Transparency

A clear legal basis and plain-language notice are required for every processing activity

Data Minimisation & Purpose Limitation

Collect only what's needed, only for stated purposes — the direct descendant of Convention 108

Individual Rights

Access, rectification, erasure (“right to be forgotten”), portability, and objection

Accountability & Enforcement

Data Protection Officers, Privacy by Design, and fines up to €20M or 4% of global turnover

The Through line: From Persecution to Protection

Nazi census & Hollerith registries	⚖	**Purpose limitation & special-category data rules**
Stasi total surveillance	⚖	**Data minimisation & proportionality**
Franco-era dossiers outliving the war	⚖	**The right to erasure**
Unchecked secret-police power	⚖	**Independent supervisory authorities & accountability**

Europe built the world's strongest privacy law because, within living memory, it experienced what happens when personal data serves the state instead of the citizen.



Thank You

Questions & Discussion