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Internet and the right of anonymity

“In order to ensure protection against online surveillance and to enhance the free expression of information and ideas, member states should respect the will of users of the Internet not to disclose their identity”¹

Keywords: *Right of anonymity, Freedom of Expression, Participation, Responsibility and Control, Internet*

Abstract: *This article explores the ratio and characteristics of the right of anonymity on the Internet. A right of anonymity is considered as a shield against oppression, harassment, retaliation, censorship or discrimination and therefore it is considered as a vital component of freedom of speech or freedom of expression. Reference is made to several existing types of rights of anonymity in relation to freedom of expression, such as the right to protect (confidential) journalistic sources, free elections with secret ballot, the right of authors to create works under a pseudonym or anonymous, undercover or alias journalism... A right of anonymity however will inevitably have a relative character, due to society's interest in determining one's accountability, responsibility or liability in case of illegal or harmful content. In criminal law, for reasons of civil liability, for the protection of intellectual property law or in the area of commercial communications and advertising, the need for identification has reduced the scope of protection of one's right to anonymity. It is explained how this approach is reflected in Principle 7 of the Declaration of the Council of Europe on Freedom of Communication on the Internet (28 May 2003). Striking a fair balance between the right of users of the Internet not to disclose their identity and tracing those responsible for criminal acts is the difficult but also inevitable challenge in this regard, a balance which cannot be found without respecting rigorously the human rights and fundamental freedoms of the involved persons. These rights and freedoms also need to be protected with extra procedural guarantees, e.g. regarding the disclosure of the identity by ISP's or the detention of personal data by ISP's and public authorities.*

Introduction

Focussing on the right of anonymity on the Internet leads to a confrontation with an ambiguous perspective. Introducing and explaining the notion ‘right of anonymity’ in relation to the online world of the Internet indeed produces an obvious paradox. The construction or the expectation as if there could be such a thing like a ‘right of anonymity on the Internet’ indirectly refers to the discussion amongst the honourable members of the People's Front of Judea, sitting in the sunny side of a Roman arena, a scene from the famous and hilarious

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¹ See COE Declaration Freedom of Expression on the Internet, 2003, Principle 7, available on http://www.coe.int/t/dghl/standardsetting/media/Doc/CM_en.asp

movie 'The Life of Brian' of Monty Python. During this scene, one of the members of the Front, Stan, or is it Roberta (?)², advocates gender-bending and requests that the Front should recognize the right of men to give birth to a child³. Indeed a rather theoretical right, but according to Stan a right worth fighting for.

Claiming a right of anonymity on the Internet also reflects a very high level of theorizing on rights and principles, as in reality such a right seems to be rather illusionary. Isn't communicating over the Internet the most obvious step one can take in order to give up one's anonymity: once connected on the world wide net anonymity no longer exists, except may be as an illusion. Getting connected on the Internet, being involved in Internet communication includes inevitably some kind of self-identification with always some possibility of traceability, if not directly, than indirectly, by authorities, by law enforcement bodies, by intermediaries (ISP's) or by other private persons. As online citizens we are contributing and participating in our own surveillance⁴. Isn't claiming a right of anonymity in the online environment like claiming a right to keep dry while swimming? Can there be a right of anonymity on the Internet? Is a right of anonymity on the Internet a pertinent and realistic claim in order to guarantee more freedom of expression? Can it be formulated in terms of an enforceable right? Is claiming a right of anonymity on the Internet a struggle against oppression and tyranny or is it, to paraphrase the leader of the People's Front of Judea, "*a symbolic struggle against reality*"?

Even if claiming a right of anonymity has more a symbolic value than it is a pragmatic or realistic assumption, it might be worth struggling for. Indeed, symbols as well can relate or refer to important values.

And even if in now a days reality of the Internet a right of anonymity seems to be illusionary, it does not exclude that the reality of the Internet shouldn't be modified in order to have such a right (better) respected in the future. Isn't precisely the law meant to protect the rights of individuals⁵? The crucial question however is whether the individual should have a right on anonymity.

What is anonymity?

The notion anonymous comes from the Greek "*anonumous*", which means 'without name'. The notion "*pseudonyme*" also stems from the old Greek: "*pseudo-onoma*", which means 'false name'. In the modern or rather post-modern world of the information society, anonymity is defined as an aspect of (informational) privacy. Personal data are protected, the

² Role(s) performed by Eric Idle.

³ The life of Brian, directed by Terry Jones, 1979. The dialogue is as follows: Judith: (on Stan's claim that men should have the right to give birth and his desire to be a mother) Here! I've got an idea: suppose you agree that he can't actually have babies, not having a womb - which is nobody's fault, not even the Romans' - but that he can have the 'right' to have babies. Francis: Good idea, Judith. We shall fight the oppressors for your right to have babies, brother... sister, sorry. Reg: What's the 'point'? Francis: What? Reg: What's the point of fighting for his right to have babies, when he can't have babies? Francis: It is symbolic of our struggle against oppression. Reg: It's symbolic of his struggle against reality.

⁴ E. Dommering, *Gevangen in de waarneming*, Amsterdam, Otto Cramwinckel, 2008, with a reference to R. Whitaker, *The end of privacy. How total surveillance is becoming a reality*, New York, The New Press, 1993.

⁵ See ECtHR, 3 April 2007, Copland v. U.K., in which the Court decided that "*emails (sent from work) are protected under Article 8 (right of privacy), as should information derived from the monitoring of personal internet usage*".

use of it is regulated and restricted⁶. Anonymity however is also a part of social interaction: it means reducing the disclosure of your identity to certain circles, certain persons, certain areas of social life and society. Anonymity is a relative concept indeed, also e.g. from a time perspective. Anonymity cannot be absolute, as there will always be other persons, be it in a technical, confidential, intimate or professional relation, who will be informed about one's identity, sooner or later. As individuals living in a community, participating in social life, we inevitably leave traces of our identity. The question is to what extent one can be non-identifiable or not-retraceable. Non-identifiable or not-retraceable by whom? Non-identifiable or not-retraceable for how long time?

A basic characteristic and very often the essential goal of anonymity is the reduction of responsibility for one's action. Anonymity creates a possibility to do things that one would not do or should not do in 'normal' circumstances. Wearing a mask, being dressed in a carnival costume, hiding in the dark, using anonymous remailers, participating with a pseudonym in chat rooms, residing in a big city... are all examples that make us more or less invisible, anonymous. Being anonymous also creates a feeling of freedom, of liberty to do things that one is not supposed to do under conventional or traditional mechanisms of social control. In other words : anonymity reduces social control. Anonymity creates freedom.

Anonymity : from fascinating attraction to fundamental human right

The phenomenon of anonymity has inspired many writers and philosophers and has more recently also inspired filmmakers. Readers and audiences are fascinated by anonymity and invisibility. In his *Politeia*, Plato refers to the story of Gyges, told by his pupil Glaukon: a story about a ring that made the (royal) shepherd Gyges invisible⁷. In Tolkien's *'Lord of the Rings'* it is also a ring that makes its bearers (Frodo and Bilbo Gaggins) invisible. In the mysterious science-fiction novel of H.G. Wells, *'The Invisible Man'* (1897) it is a former brilliant medical student, Griffin, who succeeded to develop a formula and an experiment to become invisible, making that his body did not absorb nor reflect light.

In George Orwell's⁸ *'1984'* the author evokes the total negation of anonymity due to the permanent surveillance by the telescreen and the thought police. The book is still the great modern classic of the negative Utopia, referring to a world where the individual is extremely vulnerable under the eyes of 'Big Brother'. As George Orwell wrote and Winston Smith experienced : *"There was of course no way of knowing whether you were being watched at any given moment"*. Orwell describes how a (political) system and a society in which the individual is permanently monitored and where (occasional) anonymity is inexistent, is dehumanising. It is indeed only in modern democracies that rights of anonymity became respected and guaranteed as fundamental human rights.

Why claim a right of anonymity?

The claim or desire to (temporary) anonymity finds its basis in the will to escape from danger or social control, but especially to escape from oppression or totalitarian censorship.

⁶ See OECD's 'Guidelines on Protection of Privacy and Transborder Flows of Personal Data' (1980), the Council of Europe's 'Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data' (1981) and the EU-Directive 95/46/EC on Data Protection, 'Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data'.

⁷ Plato, *The Republic*.

⁸ Pseudonym for Arthur Eric Blair.

Anonymity has been used for a variety of reasons, ranging from fear of persecution or retaliation, avoiding the risk of discrimination⁹ to prejudice of privacy. Anonymity in relation to freedom of speech is a tool to circumvent censorship or to avoid bureaucratic control or harassment by authorities or others¹⁰. According to the US Supreme Court “*anonymity is a shield against the tyranny of the majority. . . . [It] protect[s] unpopular individuals from retaliation - and their ideas from suppression - at the hand of an intolerant society*”. The US Supreme Court also stated that “*anonymous pamphleteering is not a pernicious, fraudulent practice, but a honourable tradition of advocacy and of dissent*”¹¹, recognizing a right of anonymity as protected under the US First Amendment¹².

In recent years, a firm claim for digital anonymity has been formulated.

*Who benefits from digital anonymity? Whistle-blowers, victims of abuse, and troubled people seeking counseling. Political insiders, the politically incorrect, and insurrectionists. Gays, lesbians, and bored straights. Bad poets. People trying the fit of another skin. Virtually everyone. You. You deserve at least as much anonymity on the Net as you have when you cast a vote, post an anonymous tract, or buy a newspaper from a coin-operated rack. In fact, you should demand a stronger right on the Net. Otherwise, authorities will find it easy to track, sort, and record your digital behavior. You should thus demand the right to use the most powerful encryption available*¹³.

Rights of anonymity: they do exist!

In essence, anonymity is to be considered as a shield against oppression, harassment, retaliation, censorship or discrimination and therefore is it considered as a vital component of freedom of speech or freedom of expression. Anonymity (or using a pseudonym) can also be used for gathering information that in other occasions would be much more difficult, if not impossible, to obtain as a journalist, as e.g. in undercover or alias journalism¹⁴. People who are leaking information from within an organisation, public service or commercial company, such as ‘whistle blowers’, can claim a right of freedom of expression¹⁵ and they can also protect themselves by not disclosing their identity when communicating information to others, to media or to journalists. In case of a confidential relation between a source and a journalist, the journalist will guarantee the non-disclosure of the identity of his source. In order to respect confidentiality between sources and journalists, journalists (- in the broad sense of the word -) can rely on a right not to be compelled to reveal their sources, as recognized in the case law of the European Court of Human Rights. According to the European Court the protection of a journalist’s sources is one of the basic conditions for freedom of the press : “*Without such protection, sources might be deterred from assisting the press in informing the public on matters of public interest and, as a result, the vital public-watchdog role of the press might be undermined*”. The order to disclose a source can only be justified by an

⁹ The disclosure of the first name and/or family name can reveal one’s gender, ethnic background or nationality.

¹⁰ See also J. Turley, ‘Registering Publius: the Supreme Court and the Right of Anonymity’, <http://www.cato.org/pubs/scr/2002/turley.pdf>

¹¹ McIntyre v. Ohio Elections Comm., 514 U.S. 334 (1995)

¹² The US First Amendment stipulates that Congress shall make no law “abridging the freedom of speech, or of the press”.

¹³ See <http://www.wired.com/wired/archive/3.10/cyber.rights.html>

¹⁴ See e.g. the PCC report on subterfuge and newsgathering, 2007, also referring to undercover journalism - http://www.pcc.org.uk/assets/218/PCC_subterfuge_report.pdf?oxid=d8361ce40b91623b17a7681f7061e1de. See also ECtHR 19 December 2006, Radio Twist v. Slovakia.

¹⁵ See e.g. ECtHR 12 February 2008, Guja v. Moldova.

overriding requirement in the public interest. It is also underlined by the Court that limitations on the confidentiality of journalistic sources “*call for the most careful scrutiny by the Court*”¹⁶. In order to guarantee a more effective protection of journalistic sources in the member states, the Committee of Ministers of the Council of Europe adopted Recommendation (2000) 7 “*on the right of journalists not to disclose their sources of information*” (8 March 2000)¹⁷, inviting the member states to implement in their domestic law and practice the protection of journalistic sources, i.e. to “*provide for explicit and clear protection of the right of journalists not to disclose information identifying a source in accordance with Article 10 of the Convention*”. The protection of journalistic sources is also applicable for online media and for online journalism.

Also other kinds of anonymity rights have been recognised, such as the respect for secret ballot, guaranteed by Article 3 of the First Protocol: “*The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature*”. More recently the principle of secret ballot has also been recognised as a basic value to be respected in applications of e-voting¹⁸. The Recommendation of the Council of Europe on e-voting stipulates under ‘Secret suffrage’:

16. E-voting shall be organised in such a way as to exclude at any stage of the voting procedure and, in particular, at voter authentication, anything that would endanger the secrecy of the vote.

17. The e-voting system shall guarantee that votes in the electronic ballot box and votes being counted are, and will remain, anonymous, and that it is not possible to reconstruct a link between the vote and the voter.

18. The e-voting system shall be so designed that the expected number of votes in any electronic ballot box will not allow the result to be linked to individual voters.

19. Measures shall be taken to ensure that the information needed during electronic processing cannot be used to breach the secrecy of the vote.

Another kind of right of anonymity is enshrined in international copyright law. The Bern Convention in its Art. 7, 3 en 15, 3 gives recognition to anonymous and pseudonymous works¹⁹.

A right of anonymity is also reflected in the decisions of non-disclosure of names of parties in legal proceedings. Anonymising the identity of persons is applied in national and international case law in order to protect plaintiffs, defendants, victims, suspects, witnesses or applicants. The European Court of Human Rights for instance can, on request, decide not to disclose the name of the applicant. Section 47, 3 of the Rules of the Court (2007) provides that “*applicants who do not wish their identity to be disclosed to the public shall so indicate and shall submit a statement of the reasons justifying such a departure from the normal rule of public access to*

¹⁶ See ECtHR 27 March 1996, Goodwin v. UK, ECtHR 25 February 2003, Roemen and Schmit v. Luxembourg, ECtHR 15 July 2003, Ernst a.o. v. Belgium, ECtHR 22 November 2007, Voskuil v. Netherlands and ECtHR 27 November 2007, Tillack v. Belgium. See also ECtHR, 8 December 2005 (Dec.), Nordisk Film & TV A/S v. Denmark, 8 December 2005.

¹⁷ Committee of Ministers, Recommendation (2000) 7 *on the right of journalists not to disclose their sources of information*, 8 March 2000, DH-MM (2000) 2, 125-128 (Explanatory Memorandum).

¹⁸ Recommendation by the Committee of Ministers, Rec(2004)11 of the Committee of Ministers to member states on legal, operational and technical standards for e-voting, 30 September 2004.

¹⁹ Berne Convention for the Protection of Literary and Artistic works, http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html#P136_24799

information in proceedings before the Court. The President of the Chamber may authorise anonymity in exceptional and duly justified cases". This rule has been applied in the case V. v. U.K and in T. v. U.K.²⁰, as the Court in its judgment indeed didn't disclose the identity of the applicants, two ten-year-old boys, "V." and "T.", convicted for murder and abduction²¹ of another young boy, regardless of the fact that the names of Jon Venables and Robert Thompson were made public by the British press and on the Internet²². The Court also protected from public disclosure the name of the applicant and other persons involved in the domestic proceedings in a case related to a divorce, sexual offences and the infection with the (aids)virus HIV, a case in which the applicant precisely complained about a violation of her privacy during the domestic proceedings in Finland²³. In the case of A. v. U.K.²⁴, again a case on Article 8 (right of privacy), the Court decided not to reveal the name of the applicant. In this case the applicant and her children had been suffering of racial abuses. The Court had come to the conclusion that the earlier disclosure by a member of Parliament of the name and address of the applicant during a parliamentary debate was protected by the parliamentary immunity which had to be given absolute protection under Article 10 of the Convention²⁵. This finding however did not take away the necessity to mask the identity of the applicant in the Court's judgment. In another case related to the right of privacy and membership of the Freemasons, the Court decided to anonymise the identity of the applicant, a judge who had been a member of the Adriano Lemmi Lodge in Milan²⁶. Also in a few exceptional cases related to freedom of expression, the Court decided not to disclose the identity of the applicant, as this was the case in I.A. v. Turkey, a case in which the applicant complained of a conviction in Turkey for blasphemy against "*God, the Religion, the Prophet and the Holy Book*" through the publication of a book²⁷. The anonymity or non-disclosure of the identity of litigants in court proceedings or the public communication of names of parties in judicial decisions becomes even more a legitimate concern and a controversial issue in the online world of legal databases and search engines.

Another concern in the area of claims on privacy protection and the right of anonymity is the non-traceability, in general²⁸ or specifically regarding protection of minors. In a recent

²⁰ ECtHR, 16 December 1999, V. v. U.K. and T. v. U.K.

²¹ The Jamie Bulger-case. See for more information on Wikipedia "Jamie Bulger".

²² After their rehabilitation and release on parole in 2001, Venables and Thompson were given new identities and moved to secret locations under a "witness protection"-style action. An injunction was imposed on the press in the UK and Wales preventing the publication of details about the boys, for fear of reprisals. It is unclear if and how this injunction resorted effect in the internet environment.

²³ ECtHR 25 February 1997, Z. v. Finland.

²⁴ ECtHR 17 December 2002, A. v. U.K.

²⁵ The Court agreed with the applicant's submissions to the effect that the allegations made about her in an MP's speech were extremely serious and clearly unnecessary in the context of a debate about municipal housing policy. The MP's repeated reference to the applicant's name and address was particularly regrettable according to the Court and it considered that the unfortunate consequences of the MP's comments for the lives of the applicant and her children were entirely foreseeable. However, these factors could not alter the Court's conclusion as to the proportionality of the parliamentary immunity at issue, since the creation of exceptions to that immunity, the application of which depended upon the individual facts of any particular case, would seriously undermine the legitimate aims pursued (ECtHR 17 December 2002, A. v. UK, § 88).

²⁶ ECtHR 2 August 2001, N.F. v. Italy.

²⁷ The judgment however revealed that the applicant is "the proprietor and managing director of *Berfin*, a publishing house which in November 1993 published a novel by Abdullah Rıza Ergüven entitled "*Yasak Tümceler*" ("*The forbidden phrases*")": ECtHR 13 December 2005, I.A. v. Turkey. See also ECtHR 7 February 2002, E.K. v. Turkey and ECtHR 4 March 2003, C.S.Y. v. Turkey.

²⁸ See Directive 2006/24/EC of 15 March 2006, on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

declaration by the Committee of Ministers of the Council of Europe, the Committee underlines *“that the traceability of children’s activities via the Internet may expose them to criminal activities, such as the solicitation of children for sexual purposes, or otherwise illegal or harmful activities, such as discrimination, bullying, stalking and other forms of harassment, by others”*²⁹. The Committee declared that, other than in the context of law enforcement, *“there should be no lasting or permanently accessible record of the content created by children on the Internet which challenges their dignity, security and privacy or otherwise renders them vulnerable now or at a later stage in their lives”* and it invited the member states and stakeholders *“to explore the feasibility of removing or deleting such content, including its traces (logs, records and processing), within a reasonably short period of time”*.

Right of anonymity, freedom of expression and the Internet³⁰

With regard to freedom of speech and the Internet it is often reiterated that a right of anonymity will guarantee more to participate in public debate. It is considered both in the individual’s interest and in the public interest that guaranteeing a right of anonymity will stimulate that more voices will be heard. Publishing or communicating anonymous should not be considered as an offence: anonymous communication does not harm or damage “as such”. The prohibition or criminalisation of anonymity is considered a violation of the right to freedom of expression.

A right of anonymity however will inevitably have a relative character. Due to technical reasons and social interaction there is no absolute guarantee on anonymity. Very often the content provider will have no interest at all in anonymity, as anonymity or lack of authentication might also reduce the credibility or the reliability of the content. In a corporate or commercial environment the need for identification will even be predominant, such as the need for identification of legal persons or firms in order to protect consumer interest. This concern is clearly reflected in the EU-directive 2007/65 concerning the provision of audiovisual media services, promulgating an obligation of identification by the audiovisual media service providers (MSP’s). Art. 3a stipulates that MSP’s shall make easily, directly and permanently accessible to the reception of a service at least the following information:

- a) the name of the MSP
- b) the geographical address of the MSP
- c) the mail address or website of the MSP
- d) the competent regulatory or supervisory bodies

Because of the impact of audiovisual services on the way people form their opinions, it is considered *“essential for users to know exactly who is responsible for the content of these services”*³¹. Art. 5 of the EU Directive 2000/31 on E-commerce contains a very similar approach, requesting that member states shall ensure that services providers shall render easily, directly and permanently this kind of information accessible to the recipients of the service and to the competent authorities

²⁹ Declaration of the Committee of Ministers on protecting the dignity, security and privacy of children on the Internet, 20 February 2008.

³⁰ D. Cucereanu, *Aspects of Regulating Freedom of Expression on the Internet*, Antwerp/Utrecht, Intersentia, School of Human Rights Research Series Vol. 27, 2008, ISBN 978-90-5095-842-4. More information about this book on <http://www.intersentia.be/searchDetail.aspx?back=reeks&reeksCode=&bookid=100798>

³¹ Consideration 43 of the EU-Directive 2007/65

The reason why a right of anonymity cannot be absolute, is the society's interest in determining one's accountability, responsibility or liability in case of illegal or harmful content. In this context the right of anonymity is to be brought in balance with the duties and responsibilities when exercising the right of freedom of expression, which might include a need for identification and traceability of the content provider. In criminal law, for reasons of civil liability, for the protection of intellectual property law or in the area of commercial communications and advertising, the need for identification will reduce the protection of one's right to anonymity³².

This principle is reflected in the EU Directive 2000/31 on E-Commerce, as in Art. 15, the principle is recognised of “*No general obligation to monitor*”. The directive stipulates indeed that “*Member states shall not impose a general obligation on providers to monitor the information which they transmit or store, nor a general obligation to seek actively facts or circumstances indicating illegal activity*”. However Art. 15 continues that “*Member states may establish obligations for ISP's promptly to inform competent public authorities of alleged illegal activities or information provided by recipients of their service or obligations to communicate the competent authorities, at their request, information enabling the identification of recipients of their services*”.

This approach of the recognition of a right of anonymity on the Internet, to be balanced with other rights of the individuals (good name and reputation, privacy, consumers' rights, copyright protection³³) and/or public interest (hate speech, major crime, child pornography, terrorism) resulting in a need for 'ex post' identification or traceability afterwards, is also clearly reflected in the Declaration of the Council of Europe on Freedom of Communication on the Internet (28 May 2003).

Principle 7 of the Declaration under the title “Anonymity”, stipulates :

In order to ensure protection against online surveillance and to enhance the free expression of information and ideas, member states should respect the will of users of the Internet not to disclose their identity.

This does not prevent member states from taking measures and co-operating in order to trace those responsible for criminal acts, in accordance with national law, the Convention for the Protection of Human Rights and Fundamental Freedoms and other international agreements in the fields of justice and the police.

Striking a fair balance between the right of users of the Internet not to disclose their identity and tracing those responsible for criminal acts is the difficult but also inevitable challenge in

³² For more information, see <http://www.aclu.org/privacy/anon/15590prs20030929.html> and <http://www.chillingeffects.org/johndoe/>. See also ECtHR 2 December 2008, K.U. v. Finland, in which the Court considered that the legislature should have provided a framework for reconciling the confidentiality of Internet services with the prevention of disorder or crime and the protection of the rights and freedoms of others. The Court found that Finland had failed to protect the right to respect for the applicant's private life as the confidentiality requirement and the right to remain anonymous as content provider had been given precedence over the physical and moral welfare of the applicant. The applicant had complained about the invasion of his private life and the fact that no effective remedy existed under Finnish law to reveal the identity of the person who had posted a bogus and sexually inspired message about him on an Internet dating sit . The Court found that there had been a violation of Article 8 ECHR.

³³ See ECJ 29 January 2008, C-275/06 (*Telefonica*).

this regard, a balance which cannot be found without respecting rigorously the human rights and fundamental freedoms of the involved persons. These rights and freedoms also need to be protected with extra procedural guarantees, e.g. regarding the disclosure of the identity by ISP's or the detention of personal data by ISP's and public authorities. An additional and final question is whether a right of anonymity is (still) 'necessary in a democratic society' in a society in which the individuals' human rights are (sufficiently) protected in accordance e.g. with the European Convention of Human Rights and Fundamental Freedoms?

In the mean time, it is better not putting too much confidence or hope in the rather fictional illusion of anonymity. Paraphrasing G. Orwell '1984', "*There IS of course no way of knowing whether you ARE being watched at any given moment*".