

# **The Impacts of Mass Surveillance on Fundamental Human Rights**

## **Abstract**

In this thesis I mainly deal with instruments of mass surveillance, which were recently revealed to the public by American IT specialist Edward Snowden. A considerable part is also devoted to Directive 2006/24 / EC of the European Parliament and of the Council, which at the time obliged Member States to adopt legislation providing for the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks. I also deal with the current form of its transposition into the Czech legal order.

The purpose of this thesis is to assess if these instruments of mass surveillance meet the conditions of admissibility of measures limiting fundamental human rights, especially the right to privacy. I have understood the content of these conditions on the basis of the interpretation of relevant laws and international treaties on human rights, or their commentaries and relevant case law.

This has led to the assessment of the accordance of these instruments with the principle of proportionality or the application of the proportionality test in its various forms. The concept of my thesis is therefore to be understood as a conflict of two interests, namely the purpose of the instruments of mass surveillance, ie interest in national security and protection against international terrorism, and interest in the protection of fundamental human rights.

I have come to the conclusion that all of the instruments of mass surveillance have failed to meet the proportionality test, most of them failed to meet the conditions of the proportionality *stricto sensu* test. This is due to the fact that the retention of data on the communication without any focus on the persons suspected of crime does not constitute a measure, which would be limited to the necessary minimum and which would provide sufficient legal safeguards against arbitrary application of the law. The harm caused by the instruments of mass surveillance is out of proportion to the benefits they can gain.

**Key words:**        **mass surveillance, right to privacy, principle of proportionality**