

INDI FILM PRESENTS

A FILM about our  
digital future



A film by David Bernet

# DEMOCRACY

# Synopsis

*Democracy* offers an insight into a hidden world of political struggle for new data protection legislation in European Union. Euro-MP Jan Philipp Albrecht and EU-Commissioner Viviane Reding attempt the supposedly impossible. They take on a hard-edged apparatus of political power, in which intrigue, success and failure are frequent bedfellows. After two and a half years following the legislative process, the documentary brings complex power structures to life and offers a snapshot of democracy today.



# QUESTIONS FOR David Bernet



HOW DID YOU GET THE IDEA TO MAKE A DOCUMENTARY ABOUT EU DATA PROTECTION REFORM AND THE LEGISLATIVE PROCESS IT ENTAILED?

When I began researching *Democracy* maybe five years ago, the first issue was not data protection but two fundamental questions: will I obtain access to shoot a documentary like this within EU institutions? If so, which legislation may prove so hugely relevant that it will provoke heated debate across Europe while we're shooting?

The first question was soon cleared up. In Brussels, I encountered a distinct culture of political transparency. So the question was no longer whether doors would open for a project like this but through which door I wanted to go. When, after much discussion and many weeks of research, I told my producers that data protection would be the next EU hot potato and that it was the topic I envisioned for the film, they justifiably threw their hands up in dismay. That was 2010, when data protection was a speck on the horizon and only signed-up members of Brussels' political avant-garde had any idea how significant the legislation would become for the future of our society.

EU POLITICS, DATA PROTECTION REFORM AND LEGISLATION... THESE ARE HIGHLY COMPLEX AND APPARENTLY ABSTRACT THEMES. HOW DID YOU GROUND THE FILM?

All the major political themes of our times are complex, whether it's the recession, Ukraine, the Middle East, migrants and refugees, resources and climate change, or even digitalization.

I feel that my job as a filmmaker involves acknowledging this reality and finding a way to encourage the audience's curiosity and desire to know more about the world without being battered by its complexity.

In film terms, the solution lies, as so often in documentaries, in proximity to the protagonists. As soon as we're in a position to understand what the protagonists want, what drives them and what they're fighting for, the film can begin. And if we can also understand the main characters' arcs and share in their victories and defeats, then conditions are conducive to a narrative that we can relate to emotionally.

In this case, that wasn't particularly easy, of course, simply because one doesn't immediately feel comfortable in the corridors of power in Brussels' European Quarter. But once we've crossed the threshold, most people will be surprised to see that, despite the clichés, working on a piece of European legislation is an extremely dynamic process.

**IS THE AIM OF YOUR FILM TO DESCRIBE POLITICAL PROCESSES ON THE EU LEVEL? OR DO YOU HOPE TO RAISE AWARENESS ABOUT DATA PROTECTION?**

Both. To my mind, a film about EU lawmakers that doesn't focus on a major issue of the day cannot work. Conversely, a documentary about our digital future and data protection would not require me to film the legislative process in action for two and a half years and work my way behind the scenes at the EU. The combination of both issues results in a feature that shows European politicians and lobbyists in action, tussling over a fundamental issue for the future. We observe them laying out our future. With the tiniest decisions and modifications to the text of the bill, they determine the direction society will take in the digital age.

**DID YOU HAVE ALL-AREAS ACCESS WITH YOUR CAMERA? OR WERE THERE RESTRICTIONS AND, IF SO, OF WHAT KIND?**

We crossed thresholds that had previously been held to be inaccessible, and were able to shoot at the heart of the action, particularly in the European Parliament. Likewise in the Commission, which immediately understood that with this project something extremely necessary was happening: giving Europe's citizens an insight and understanding of the workings of European politics that everyday reporting in the media could never provide.

Things were trickier, however, with the Council of Ministers. We were the first film crew in EU history that was allowed to move freely around the room while the Council was in session, and we were able to film backroom negotiations between the Council and Commission. In fact, the biggest obstacle was of a structural nature: the presidency of the Council of Europe rotates around member states every six months. So every half year we were dealing with new contacts, who could potentially restrict our room for maneuver. In all, over the whole shooting period, I experienced five such complete overhauls of the people running the show. We were running up against our own borders.

**HOW DID THE PROTAGONISTS, ESPECIALLY JAN PHILIPP ALBRECHT AND VIVIANE REDING, REACT TO YOUR PITCH?**

I had already met Jan Philipp Albrecht while I was researching the film, at a time when

nobody imagined that this young Green might become the Parliament's lead negotiator on data protection reform. Albrecht is one of those politicians who set a very high store by transparency, and spend a lot of time explaining their actions to the public. As a result he was very open to the project. Also, the fact that he was so young--and had come to terms with a steep learning curve with his team in his new role as representative of the whole Parliament--was a stroke of luck for me. We spent a lot of time with Albrecht and Ralf Bendrath, his scientific advisor, who began to refer to us affectionately as «part of the furniture» when we hunkered down yet again in a corner to film something or other that was happening.

The tightly scheduled working days of politicians at Viviane Reding's level made shooting with her slightly more complicated. Basically, we only ever snatched brief moments with her. Every meeting was extensively planned, and frequently postponed, and had to go like clockwork. Even so, Reding is a politician who genuinely values the public being able to get to grips with political events. In that respect, the project was a natural fit with her personality.

#### TO WHAT EXTENT DID YOUR ATTITUDE TO THE EU CHANGE OVER THE COURSE OF THE SHOOT?

My view of the EU was already positive. It is the peace project on this continent. Whoever wants to see sovereign, specific and effective responses to the challenges of the times we live in must at least think European. I have learned, however, to discern where the real problems lie.

To my mind, the EU's biggest problem lies not in the institutions or their expansion but, on the contrary, with the EU member states, who are currently dominated by a generation of statesmen who usually act with one eye on national public opinion. Consequently, they measure their achievement by what they have «got out of Brussels» for their people. Many member states are consuming the EU instead of planning it.

#### THE FILM HAS A VERY SINGULAR AESTHETIC FEEL. HOW DID YOU DECIDE TO GIVE IT THIS LOOK?

From the very beginning it was obvious that the look of the movie needed, as far as possible, to stand out from that usually associated with the EU and Brussels. The classical EU visuals are, of course, all about flagpoles, façades shot from a handful of different angles, and officials getting out of limousines. I wanted audiences to sense immediately that this film was pursuing different purposes from TV news reports in Brussels. As a symbol, I occasionally reference that visual world, but only in order to contrast it through a different aesthetic.

The determination of what this different aesthetic should look like was part of the creative process. I was chronicling a decision-making process and the best way of transposing it to film was not immediately clear. Some solutions emerged while we were shooting and others only in editing. For example, we had experimented with Cinemascope from the outset. The decision to go with black & white came later.

#### THE FILM'S EVENTS ARE EMBEDDED IN A NARRATIVE FRAMEWORK. WHY DID YOU CHOOSE THIS DEVICE?

There are several reasons for this approach. The decisive reason--and this may surprise some people--goes back to Edward Snowden. When we began shooting, there was as good as no public awareness of the data protection issue. That also showed in discussions between MPs who found themselves facing a complicated 100-page bill proposal and trying to picture where it could all lead. Today's audiences have a completely different perception of the issue than the protagonists in the «pre-Snowden» era. So we had to find a narrative approach to allow audiences to step back into the past and meet the protagonists in 2012 without finding them irritatingly naive. The «two years earlier» card is saying to audiences, «Please don't be alarmed. Back then many questions were still unanswered!» Over the course of the film, we gradually make up ground until Edward Snowden finally appears on the world stage and changes the context for the pursuit of the legislative process once and for all.

#### WHAT DO YOU HOPE AUDIENCES WILL TAKE AWAY WITH THEM AFTER SEEING THE MOVIE?

I would like people to leave the film with a new and solid understanding of the kind of society and times we are living in. I would also like the film to convey a few basic experiences and some kind of trust toward European politicians. Currently, reactions to anything that comes out of Brussels are unhelpful and hysterical--from many citizens as much as the media. What we need now in Europe is an enlightened public that is in a position, irrespective of national borders, to engage with events in Brussels and react when necessary. If the film contributes to the development of this European public, we will have achieved an important aim.

# QUESTIONS FOR Jan Philipp Albrecht



## WHY IS EU DATA PROTECTION REFORM SO IMPORTANT?

Now, every one of us, every day, takes advantage of offers that involve us not only making ourselves personally identifiable but also leaving behind an abundance of information about our private lives and personalities in digital forms that can be easily processed. The vast majority of these offers are not covered by German law or data protection regulations. Instead, regulations in Luxembourg, Ireland or the UK prevail, allowing companies to exploit loopholes, about which we know nothing, in order to circumvent our usual personal rights. That's how a bunch of personal data is collected by companies like Amazon, Facebook, Google or marketing companies we've never heard of, without our knowledge and without our explicit consent. To be able to effect change for users and rebuild trust in the digital market in Europe and worldwide, powerful EU regulations are needed that lay down unified, exemplary data protection standards across the whole EU--the world's largest single market--and can enforce strict sanctions on companies that operate internationally.

YOU HAVE BEEN WORKING ON DATA PROTECTION LEGISLATION SINCE 2012. WHAT HAS BEEN YOUR BIGGEST REALIZATION IN THAT TIME?

The last few years have taught me that data protection is one of the biggest and most

important issues of our century. As absurd as it may sound, the question of the individual's self-determination in the digital age and, particularly, in the digital market economy, occupies a little more of our time every day. It now seems self-evident that knowledge of every man and woman's behavior is fundamental to economic success and most likely to personal happiness also. With the digitalization of every area of life, people become ever more predictable and their freedom of choice ever more limited. It is crucial, therefore, to decide how much control we, as individuals, have over the exploitation of personal data and whether we, as a society, consider that complete and uncontrolled harvesting of all data is appropriate, with the risk of widespread discrimination that it entails in the digital age. As a result, the negotiations are particularly concerned with finding a balance between consumer interests and corporate freedom.

#### DID YOU EVER ANTICIPATE IT BECOMING SUCH A LONG AND DRAWN-OUT PROCESS?

From the outset, it was clear that the debate over data protection reform in the EU would make serious waves and be a long, tough process. Today, there is no individual, no company and no agency that is not directly concerned on a daily basis with the issue of the use of personal data. The complexity and impact of such a debate only became clear to me, however, after I worked on a draft parliamentary position paper. All of a sudden, the Danish Shipowners' Confederation gets in touch to contribute its view of the situation and a lobbying storm burst over all the participants in the legislative process. It was already apparent that there are large companies that can hire hordes of lobbyists, whereas consumer organizations and activists have to do what they can with a handful of people.

#### WHAT WAS IT LIKE WORKING WITH VIVIANE REDING?

I have very high regard for Viviane Reding. Although she belongs to a different party and, as a conservative politician, embodies different political convictions, we soon agreed that only strong, unified EU data protection regulations could guarantee trust and people's rights in the digital age. Both of us were more concerned about achieving a good outcome rather than political points-scoring. Our objectivity and shared conviction made our collaboration very pleasant and also very fruitful. At the end, mutually acceptable EU data protection regulations were in the pipeline, although I will see the reform through with Viviane's very committed successor, Věra Jourová. At any rate, Viviane Reding deserves great respect for her contribution to setting in motion the wheels of single European data protection regulations that work for the citizens. By so doing, she has made a major contribution to basic rights in Europe and at the same time to good business conditions and fair competition in the European market.

#### THE CAMERA OFTEN FILMS YOU IN EXTREME CLOSE-UP. HOW DID IT FEEL HAVING IT FOLLOW YOU AROUND?

At first, it took a lot of courage to let the camera (as well as the microphone) so close to me and the sometimes very sensitive negotiations. Not only was I a very young politician, but it



was also my first time as rapporteur on an important piece of legislation, which is a position of considerable responsibility. After a while, we became increasingly used to the camera filming and pretty much forgot that we were being watched. That is very much to the credit of the highly professional crew, which repeatedly succeeded in being close up yet invisible, simply observing and listening. Being followed by the camera also turned out to be a good experience, allowing me to look back on this exciting time and my progress as the European Parliament's lead negotiator with the help of an outside eye.

**WHAT CHANGED FOR YOU OVER THE WHOLE PROCESS? HOW DOES ONE HANDLE SUDDENLY BEING THE CENTER OF ATTENTION OF MANY DIFFERENT INTEREST GROUPS?**

I clearly became more experienced. Whereas I initially almost lost the big picture and would rather have hidden away, I can handle scrutiny and pressure situations pretty serenely now. Of course, I also have a better idea of when legitimate interest and requests are coming my way and when someone's trying to wrap me around their little finger or spin me a line. Even so, I don't feel that I had to change a great deal during the negotiations, for the simple reason that I have pursued the same objective all along and will achieve it in the end with a little luck and patience: a single, high data protection standard for the whole European Union, which will be a major improvement on the current legislative situation, for consumers, companies and authorities alike.

**MEANTIME, HAVE YOU GOT USED TO WEARING A TIE?**

No. I only put one on when it's absolutely necessary and appropriate, so that my arguments in the negotiations have maximum impact--when data protection is more important than a one-man style revolution in politics.



# QUESTIONS FOR Viviane Reding



**YOUNG PEOPLE ESPECIALLY ARE VERY FREE AND EASY WITH THEIR PERSONAL DATA ON THE INTERNET. HOW DO YOU CONVINCE THEM THAT DATA PROTECTION CONCERNS US ALL?**

Starting at school, young people and children must learn responsible behavior with personal data. It's also the parents' duty to teach them. The trouble with the free and easy approach is that the consequences are not immediately obvious. It becomes automatic not to touch the electric ring of a stove, but it's different with data because the negative effects may only kick in much later: you may miss out on a job because of party photos you posted; you may suffer financial loss through cyber-crime if you haven't sufficiently protected your account details; or you may have to pay more for overdraft facilities after an unfavorable risk assessment based on information voluntarily provided for countless other reasons. We need to talk to young people about precisely these potential repercussions, so that they see that data protection and security concern us all.

**WHY IS EU DATA PROTECTION REFORM SO IMPORTANT?**

Europe's 1995 data protection guidelines are still in force, but they date from a time when internet was still in its infancy. Today's challenges are totally different. Simply having «guidelines» means that there are 28 separate national jurisdictions--in legal terms, Europe is extremely fragmented. As a result, there was a kind of race to have the lowest standards. Facebook didn't locate its European HQ in Ireland for no reason. On the other hand, small

and medium-sized business in particular are overburdened as a result of administrative costs incurred to conform to different legal standards if they try to grow their market in another EU country. That's why it's important for the data protection regulations to institute a single legal standard across Europe. It's good for citizens. And it's also good for the economy.

ALMOST 4,000 PROPOSED AMENDMENTS, NEGOTIATIONS DRAGGING ON FOR ALMOST FOUR YEARS--IS THIS UNUSUAL OR STANDARD PRACTICE?

Four thousand amendments is an exceptionally high number that set a new record. Working through them all, finding compromises and, in the end, achieving substantial agreement throughout the assembly was a substantial achievement. Parliament showed that it can speak with a clear voice on such an important issue. The Council, made up of ministers of member states, stood on the brakes for way too long. Eventually, though, heads of state and governments let it be known that it was time to wrap up the issue at last. Since then, the process has accelerated. The Council has established its position and, since June, threeway negotiations between the Council, Parliament and Commission have been taking place. If all goes to plan, the deal could be sealed late this year.

WHAT WAS IT LIKE WORKING WITH JAN PHILIPP ALBRECHT?

Our collaboration was successful and cordial. I think the film makes it obvious how important it is for the institutions to cooperate when important legislation is at stake. Good chemistry between people makes everything easier.

DO YOU THINK THAT THE FILM CAN HELP EXPAND YOUNG PEOPLE'S INTEREST IN AND ACCESS TO THE EU'S WORK AND DEMOCRATIC PROCESSES?

The European legislative process is complex. It's not always easy to tell, at any given time or place, who has their hands on the reins. The film shows people who play a part in the process. Behind every decision, there's a face. The film shows those faces, without pathos, without gloss, and that makes the overall process easier to understand. I'm convinced that the film offers interested young people new insights into European democracy.



## DIRECTOR'S BIOGRAPHY

# David Bernet

Raised in Switzerland, David Bernet lives in Germany, where he writes, directs and produces documentaries. After studying comparative literature and literary theory and philosophy in Vienna and Berlin, he started working as a press and radio journalist in 1995, then as a researcher and writer of documentaries, and finally as director of his own projects. David's 2011 film *Raising Resistance*, which explored the struggle of Paraguay's campesinos, peasant farmers, against the increasingly aggressive expansion of genetically modified soy crops won multiple awards, including the Best Swiss Film 2011 prize at Nyon Film Festival, the German Nature Film Award 2012, the German Environment and Sustainability Award 2012, the Golden Butterfly 2012 and the Director's Prize at the Non-Fiction Awards 2013. David's current film, *Democracy*, is a documentary feature that probes the inner workings of Europe's legislative process in the context of the debate over data protection and privacy in the digital age.

David Bernet also works as a producer for Atmosfilm and as a screenwriter, and lectures in writing for film and TV.

## FILMOGRAPHY

### 2018 VOYAGE TO THE OTHER

Documentary feature in production | Writer-director (co-writer Stefan Schietert)

### 2015 DEMOCRACY – Im Rausch der Daten

Documentary feature | Writer-director

### 2011 RAISING RESISTANCE

Documentary feature | Writer-director (co-writer Bettina Borgfeld)

### 2011 HUNGER/ FAIM

Web-documentary series | Writer-director

### 2007 JEW BY CHOICE – Jude aus Überzeugung

TV-Documentary | Writer-director (co-writer Robert Ralston)

### 2005 DIE FLÜSTERER/ THE WHISPERERS

Documentary feature | Writer-director

### 2004 DIE VORAHNUNG - REGARD EN ARRIERE

TV-Documentary series | Writer-director

### 2004 DIE MORAL DER GESCHICHTE - REGARD EN ARRIERE

TV-Documentary series | Writer-director

### 2002 NACH DER FLUT

TV-Documentary series | Writer

# Crew

Written & directed by **DAVID BERNET**

Camera **MARCUS WINTERBAUER, DIETER STÜRMER, FRANÇOIS ROLAND, INES THOMSEN**

Sound **COSMAS ANTONIADIS, JOHANNES SCHMELZER**

Editing **CATRIN VOGT**

Original Score **VON SPAR**

Sound Mixer **NATHALIE VIDAL**

Producers **AREK GIELNIK, SONIA OTTO**

Coproducers **CÉDRIC BONIN, PASCALINE GEOFFROY, DAVID BERNET**

Executive Producer **DIETMAR RATSCH**

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