

Contents

<i>Foreword</i>	<i>ix</i>
<i>Acknowledgements</i>	<i>xi</i>
1 Introduction and Methodology	1
2 An Introduction to Communications Data Retention and Its (Il)legality	17
3 Communications Data Is Just as, if Not More, Intrusive Than Content	43
4 Data Retention, a Fundamental Rights Issue? Article 8 ECHR and Article 7 EU Charter Underpinning Democracy in the Digital Age?	87
5 Communications Data Retention as Mass Secret Surveillance within Surveillance?	149
6 Who Is Obligated to Retain? Everything That 'Communicates'?	193
7 Data Retention Is Incompatible with the ECHR – Legality and Legitimacy	224

8 Data Retention Is Incompatible with the ECHR – Necessity, Proportionality, Articles 6 and 14 and Data Protection	283
9 Conclusions	349
<i>Index</i>	370