

Vienna, 8. July 2025

Subject: Open Letter against Government Spyware

Dear Member of the Austrian National Council,

We, the undersigned 50 civil society organizations from 16 countries, address you with great concern regarding the planned draft law to legalize Government Spyware in Austria. We urgently appeal to you to vote against this dangerous instrument of state surveillance and against a historic step backwards for IT security in the information society.

Such a highly intrusive surveillance tool requires independent and effective oversight. The current draft does not meet this requirement. Instead, oversight is to be carried out by the Legal Protection Commissioner, who is organizationally assigned to the Ministry of the Interior, precisely the authority responsible for deploying Government Spyware. Furthermore, the mandatory trustworthiness assessment of the Legal Protection Commissioner and his deputies is also conducted by the intelligence services themselves. This means that the very authority that is supposed to be monitored ultimately decides who is even eligible to serve as an oversight body. This allows for the exclusion of undesirable or independent individuals from the outset, thereby undermining any real independence, which the Austrian Constitutional Court has explicitly demanded.

We strongly emphasize that the current draft is based on a legal fiction. There is no software capable of monitoring only messaging services without simultaneously granting full access to the entire smartphone, thereby compromising the security of the entire device. By passing this law, the state itself would become a hacker, therefore actively promoting and maintaining security vulnerabilities instead of closing them to protect the population. Such deliberate, systemic security gaps have already led to the shutdown of hospitals, trains, and mobile networks in other countries¹.

Moreover, journalists, scientists, activists, and opposition figures² are regularly targeted by such comprehensive surveillance technologies. The current draft, however, lacks the necessary safeguards to effectively prevent such abuse.

Numerous international examples demonstrate that this risk is not hypothetical: In Spain, the secret service used the spyware "Pegasus" to monitor the mobile phones of Catalan independence supporters, journalists, activists³, and even members of government⁴. In Greece, politicians and journalists were systematically surveilled in the so-called "Predatorgate" scandal⁵. In Poland, "Pegasus" was deployed against nearly 600 individuals, including opposition figures and lawyers⁶. These incidents

1 <https://de.wikipedia.org/wiki/WannaCry>

2 <https://www.theguardian.com/world/2021/jul/18/revealed-leak-uncovers-global-abuse-of-cyber-surveillance-weapon-nso-group-pegasus>

3 <https://www.hrw.org/news/2022/01/26/human-rights-watch-among-pegasus-spyware-targets>

4 <https://apnews.com/article/technology-europe-spain-spyware-9ec1d9ad4a32db1b6002841df612606b>

5 <https://www.politico.eu/article/greek-spyware-predatorgate-government-court-report-telephone/>

6 <https://www.euractiv.com/section/politics/news/polish-anti-corruption-chief-resigns-amid-pegasus-scandal/>

clearly illustrate how quickly the use of such surveillance technologies can undermine democratic structures.

Dear Member of the Austrian National Council,

We appeal to your free mandate and urge you to fulfill your responsibility for democracy, security, and freedom. Reject the current draft law to legalize Government Spyware in Austria. Spare Austria this historic mistake and speak out publicly about the dangers of this form of surveillance.

Sincerely,

epicenter.works – for digital rights (Austria)	Amnesty International (Worldwide)
Österreichisches Netzwerk Zivilgesellschaft (ÖNZ) (Austria)	Privacy International (Worldwide)
Greenpeace Österreich (Austria)	International Press Institute (IPI) (Worldwide)
GLOBAL 2000 (Austria)	Reporters Freedom and Safety (IRFS) (Worldwide)
Katholische Aktion Österreich (Austria)	Electronic Frontier Foundation (Worldwide)
Volkshilfe Österreich (Austria)	Access Now (Worldwide)
Aufstehn.at (Austria)	European Digital Rights (EDRI) (Europe)
Verband Freier Rundfunk Österreich (Austria)	Noyb - European Center for Digital Rights (Europe)
PCs für Alle (Austria)	Civil Liberties Union for Europe (Liberties) (Europe)
Initiative für Netzfreiheit (Austria)	Center for Democracy and Technology Europe (CDT) (Europe)
Forum Informationsfreiheit (Austria)	European Center for Not-for-Profit Law (ECNL) (Europe)
betrifft.demokratie (Austria)	European Centre for Press and Media Freedom (ECPMF) (Europe)
Chaos Computer Club Wien (C3W) (Austria)	
Attac Österreich (Austria)	
Freischreiber:innen Österreich (Austria)	
Hermes Center (Italy)	Chaos Computer Club e.V. (Germany)
Osservatorio Balcani Caucaso Transeuropa (Italy)	Blueprint for Free Speech (Germany)
Electronic Frontier Norway (Norway)	Deutsche Vereinigung für Datenschutz e.V. (DVD) (Germany)
Homo Digitalis (Greece)	Digitalcourage (Germany)
SHARE Foundation (Serbia)	Verein zur Förderung queeren Lebens e.V. (Germany)
Ukrainian Institute for Regional Media and Information (IRMI) (Ukraine)	Digitale Gesellschaft (Germany)
Bits of Freedom (Netherlands)	Digitale Gesellschaft (Switzerland)
Vrijdschrift.org (Netherlands)	IT-Pol Denmark (Denmark)
Statewatch (United Kingdom)	Association of European Journalists (Belgium)
Media Diversity Institute (MDI) (United Kingdom)	Politiscope (Croatia)
Aspiration Tech (USA)	Danes je nov dan (Slovenia)
Alternatif Bilisim (Turkey)	Državljan D / Citizen D (Slovenia)