

In Memoriam Prof. Dr. Dr. h.c. Spiros Simitis (1934-2023)

We deeply mourn the loss of Prof. Dr. Dr. h.c. Spiros Simitis (1934-2023), the “father of data protection” and the founder and *spiritus rector* of the Data Protection Research Institute at Goethe University Frankfurt a.M. Most of all, we mourn the loss of a wonderful person and farsighted advocate for essential values. Over many decades, Professor Simitis spoke out for a human-centered democracy in the digital age, for a democratic and social state based on the rule of law, and for the right to informational self-determination.

Prof. Simitis founded the Data Protection Research Institute when he took up a chair for labour law, civil law and legal informatics at the Goethe University of Frankfurt a.M. in 1969. He held this chair and led the Research Institute until his retirement. A native of Greece, Spiros Simitis had studied law and earned his doctorate in Marburg, carried out his habilitation in Frankfurt, and first served as a professor in Giessen before joining the Goethe University. His intellectual achievements and personal charisma led countless guest researchers and doctoral as well as post-doctoral candidates to the Data Protection Research Institute. During his time as Hessian Data Protection Commissioner (1975-1991), Professor Simitis also continued in this role at the Goethe University. He was well-known internationally and held guest professorships at Yale, Berkeley, Paris, and Strasbourg, among other institutions.

His visionary, interdisciplinary and tireless commitment to data protection is reflected in countless outstanding academic publications. These include the leading commentary on data protection law, which continues today as a treatise on the GDPR, edited by Gerrit Hornung and Indra Spiecker genannt Döhmann. The academic publications of Professor Simitis are as precise as they are elegant. A polyglot who spoke German, Greek, French, English, and Italian, Professor Simitis published important legal articles in numerous languages and in numerous countries.

Spiros Simitis was also a dedicated and effective policy entrepreneur. Through his charm, vigour and negotiating skills, he advocated for effective data protection as a foundational element of democracy. As the “father of data protection,” he played an essential role in the enactment of the first data protection law in the world. Hesse enacted this statute in 1970. Professor Simitis continued to develop and strengthen the right of informational self-determination in his work as head of the Council of Europe's expert commission on data protection and as chairman of the German Ethics Council (2000-2005). As permanent advisor to the EU Commission on data protection issues since 1988, Professor Simitis significantly influenced European legislation on data protection law, first through the Data Protection Directive (1995), and then through the General Data Protection Regulation (2018).

Professor Simitis was and always remained founded in private law. In that role, he initiated groundbreaking developments in labour and family law that are still important today, including the development of works council law and the consideration of the best interests of the child. At the same time, his greatest concern and highest attention was devoted to the realisation of a constitutional democracy in the age of automated data processing. Like no other, Spiros Simitis recognised the importance of this topic and placed it on scientific, political and social agendas and helped shaped it. In his work, he argued that far-reaching constitutional safeguards were needed in the digital world in the interest of the individual and the common good. The critical need was to limit informational imbalances and the resulting power asymmetries.

This constitutional perspective was decisive for his academic work and led, among other positions, to his appointment as Chair of the EU Commission's High-Level Expert Commission on the Charter of Fundamental Rights. Due to his important work, Professor

Simitis received many honours, including Germany's Bundesverdienstkreuz 1st Class, the Hessian Order of Merit, and an appointment as officer of the French Legion of Honour.

Among his numerous academic honors was the awarding of the University of Berkeley-California's Chancellor's Citation in 2010, the University's highest award. The award citation noted, "In the United States, his influence is deeply felt through his peerless academic work, policy entrepreneurship, the important transnational impact of the regulations that he has overseen, and the scholars whom he has mentored." The University of California also noted, "Since he was a visiting professor at Berkeley Law School in 1975, his connection to the University has continued through his collaboration with faculty and the effect of his engaged and passionate teaching." At countless law schools in numerous countries, Professor Simitis had a similar effect in shaping the intellectual development of his fellow scholars and students.

In person, the dedicated European impressed with his intellectual brilliance and through his unmistakable sense of culture. We who had the privilege of experiencing him personally will remember his fine humour and his incredible charisma, which enriched every intellectual discussion, every academic panel, and every conversation in an extraordinary way.

Prof. Spiros Simitis was a political intellectual and an engaged citizen through his academic work, his political advice, and his social commitment. His deepest conviction is as relevant today as at the beginning of his pioneering work; this idea is that under the conditions of digitalisation a free society needs autonomous, self-determined and responsible citizens.

The Data Protection Research Centre will seek to honor legacy of an outstanding legal scholar and an incomparable personality by continuing his life's work in defense of democracy and informational self-determination.

Our thoughts are with Prof. Simitis' wife, Dr. Ilse Grubrich-Simitis.

For the Data Protection Research Institute

Prof. Dr. Indra Spiecker genannt Döhmann

Prof. Paul Schwartz, Berkeley