



## **THE PINTO PARADOX: WHERE ARE TODAY'S LEGAL AND ETHICAL LINES?**

**Blackmail, extortion, corruption, extradition and football – it's what media dreams are made of.**

**But do the ends justify the means?**

### **MVConversations with António de Macedo Vitorino**

Football leaks – the largest data leak to date revealing some of the sport's best kept secrets – has prompted a media firestorm in Portugal. One man's fight for transparency in the world of football, uncovering widespread wrongdoing at some of Europe's biggest Clubs and by world class players, is being done at the expense of everybody's right to privacy.

While what Rui Pinto exposed is clearly a Pandora's box of criminal conduct prompting numerous investigations by authorities in nine EU countries, is that enough to forget the small detail of how it was obtained? Not according to António de Macedo Vitorino.

#### Whistleblower or hacker?

Pinto's lawyer, [William Bourdon](#), is [arguing](#) that Pinto must be protected by certain fundamental legal principles, specifically that of EU whistleblowing legislation. The paradox, however, is that a fundamental legal principle is obstructed when it comes to the source of the incriminating information.

António Vitorino believes everything hinges on where we draw the line between whistleblowing and hacking: "One upholds the law, the other falls foul of it."

Whistleblowing, in very basic terms, denotes someone who comes across material exposing criminal wrongdoings. Be it corruption, money laundering, human trafficking etc, by coming forward with information that triggers criminal investigations, these people have acted in the public interest and are protected by the law, specifically the [EU Whistleblowers Directive proposals](#).

Hacking, however, is built on "intent". "This is someone who goes that one step further and mounts his own private investigation" says António Vitorino, "breaking into computers purposefully looking for incriminating material. In the [last Directive proposal](#), a whistleblower is defined as "*a natural person who reports or discloses information on breaches lawfully acquired in the context of his or her work-related activities*". This is hardly the case of Mr. Pinto."

#### Crossing the ethical lines

As criminals become ever more evolved, the weapons we have to fight crime need to evolve. However, António Vitorino questions whether, as a society, we can accept the blurring of the lines between legal and illegal obtaining of information, and the overstepping of our core constitutional values.

"Police cannot enter your home or your computer without a search warrant and probable cause. Freedom is paramount and our privacy needs to be protected," he says. "If our legal system and police powers are not up to date, then that's something that needs to be addressed."



In the case of Football Leaks, information was obtained by hacking into the systems of Football Clubs like Sporting CP, Porto FC, Real Madrid and Paris Saint Germain, taking information and passing this to the media. In the public interest? For António Vitorino, that one fundamental line was crossed.

But what about hacking into personal emails and client-attorney messages bound by legal privilege, or sharing confidential Club information with rivals? Is crossing these lines for information that has uncovered corruption at the highest levels of the sport seen as acceptable or should it be seen as an attack on personal privacy? One more line crossed, says António Vitorino.

The line between fair and foul play plays a crucial part in determining the legality of a subsequent investigation., he adds. "The illegal and intentional breaching of privacy cannot be an acceptable practice."

He takes the media as an example. "Journalists have a right to protect their sources. But shouldn't the media care about how their sources came across the information?"

If wrongdoings can only be uncovered by illegal means, there is something fundamentally wrong with society.

Ultimately, António Vitorino believes "we cannot accept that allowing unfettered access to our privacy is the only way to uncover criminal actions".

"As citizens it is our duty to fight anyone who says that we must give up our privacy and our freedom to help put criminals away."