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Borders, Privacy and Big Data

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Collusion

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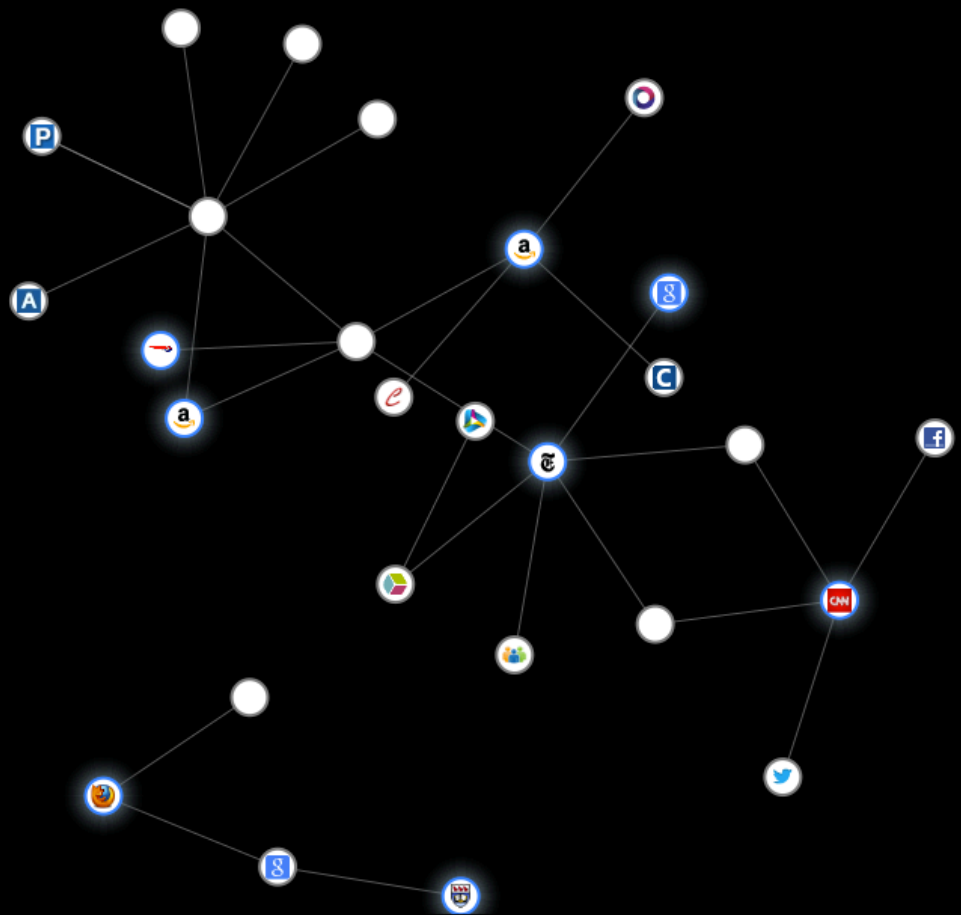
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Justifications for Privacy in the West

- **As a Right of the Person**
 - La Vie Privée (France)
 - Privatsphäre (Germany)
 - The “Right to be Let Alone” (United States)
 - “Integritet” (Sweden)
- **As a Political Value:** A Check against Powerful State and Private Organizations
- **As an Instrumental Value**
 - To ensure that the right data are used by the right people for the right purposes
 - To build “trust” in e-commerce and e-government
 - To manage “risk”

The Information Privacy Principles

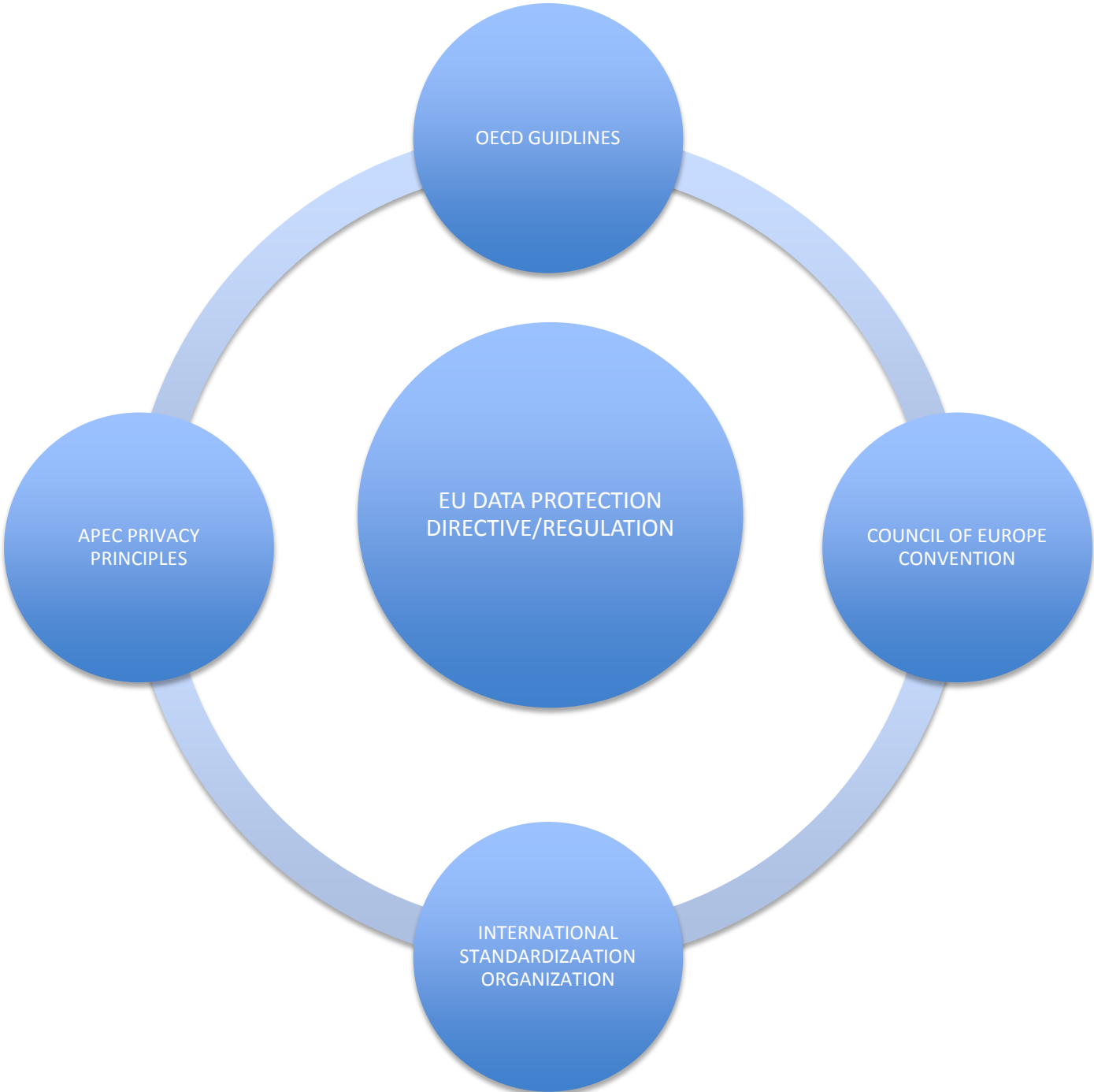
- Accountability
- Purpose identification at time of collection
- Informed consent for collection
- To limit use and disclosure (finality)
- Retention limitation
- Data quality
- Data security
- Openness about policies and practices
- Individual access and correction



A principled-based approach appears in:

- Comprehensive data protection laws in around 80 countries
- Sectoral Legislation in information intensive industries
- International agreements from Council of Europe, OECD, European Union, Asia-Pacific Economic Cooperation
- Self-regulatory codes and management and technical standards





The European Union

- **Directive 95/46/EC on Personal Data Protection**
 - Harmonization of all European Data Protection laws to higher and common standard
 - Insistence on a “supervisory authority” with common powers in each state
 - An “adequate level of protection” in countries that receive European personal data
- **Directive 2009/136/EC: The “Cookie Rules”**
- **Draft Regulation on Data Protection, January 2012**



The “Right to be Forgotten”

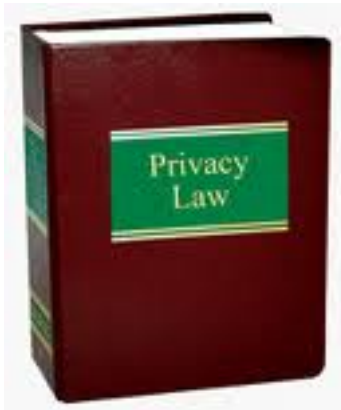
“The data subject shall have the right to obtain from the controller the erasure or personal data relating to them and the abstention of further dissemination of such data, especially in relation to personal data which are made available by the data subject while he or she was a child”



The Policy Dilemma

ADEQUATE LAWS?

- The presence of key legal principles
- An independent supervisory authority
- A good level of compliance



ACCOUNTABLE ORGANIZATIONS?

- Makes original collector of personal data 'responsible' – 'liable?'
- Evaluates the “due diligence” of the organization
 - Use of contracts
 - Binding corporate rules
 - Self-certification schemes
 - Third-party certification to management and technical standards



The Geo-Politics of Privacy

- National Sovereignty, Privacy and Big Data
- “Lawful access” and data retention
- User-generated data in social-networking

