

# A European Perspective on Security and Privacy

***Stephan Lechner***  
***- Director -***  
***European Commission,***  
***Joint Research Centre.***

<http://ipsc.jrc.ec.europa.eu/>

- **EU Directive**  
(e.g. Directive 95/46/EC on Data Protection)
- **National Legislation (4 years) ...**



**... in 27 Member States!**



- **Government direction: Conservative or liberal?**
- **Basic constitutional laws...**
- **National geographical requirements...**
- **Cultural or historic requirements ...**
- **Security needs ...**



**... in 27 different flavours!**

## EU minimum Data Retention

L 105/54

EN

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L 201

### DIRECTIVE 2006/24/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 March 2006

on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

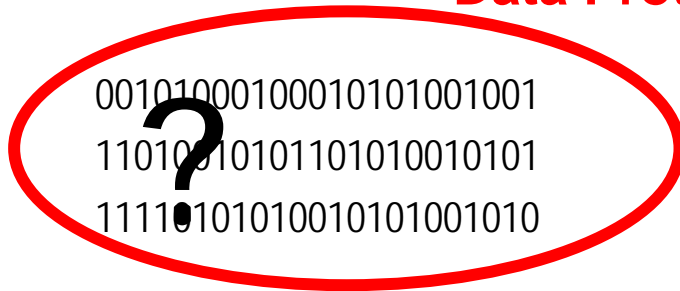
Having regard to the proposal from the Commission,

erased or made anonymous when no longer necessary for the purpose of the transmission of a communication for the data necessary for billing or interconnections. Subject to consent, certain data may be processed for marketing purposes and the provision of added services.

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(4) Article 15(1) of Directive 2002/58/EC sets out the con

## Data Retention **Data Protection**



- Too general **retention** obligation conflicts with German basic constitutional law!
- 2010 supreme court ruling declares data saved so far as **illegal** practice
- Operators react immediately

Formula di acquisizione del consenso dell'interessato

Il/la sottoscritto/a, acquisite le informazioni fornite dal titolare del trattamento ai sensi dell'articolo **13 del D.Lgs. 196/2003**, l'interessato: - presta il suo consenso al trattamento dei dati personali per i fini indicati nella suddetta informativa?

*(qualora il trattamento non rientri in una delle ipotesi di esenzione di cui all'art. 24 del D.lgs. 196/2003)*

**Do il consenso**                      *Nego il consenso*

- presta il suo consenso per la comunicazione dei dati personali per le finalità ed ai soggetti indicati nell'informativa?

*(nel caso in cui sia prevista la comunicazione dei dati e non rientri in una delle ipotesi di esenzione di cui agli artt. 61 e 86 del D.lgs. 196/2003)*

**Do il consenso**                      *Nego il consenso*

-presta il suo consenso nell'informativa?

*(nel caso in cui sia prevista la di*

**Do il consenso**                      *N*

-presta il suo consenso indicate nell'informativa.

*-(nel caso in cui sia previsto anc*

**Do il consenso**                      *N*

Luogo .....

Nome .....

- Four different **consensus fields** to be ticked
- Intensive reference to **existing laws**
- Formally very correct
- Form usually completed within 5 seconds ...

Cognome .....

*“Britain is the video surveillance capital of the world”*



It is estimated that there are some **4.2 million** Closed Circuit TV (CCTV) **cameras** in Britain, one for every 14 people. An individual might be captured by **more than 300 separate cameras** on an average day. (wsws.org, 2006)



*Video surveillance is generally **not suitable** to make a significant contribution to crime prevention and crime fighting (...)*



General video surveillance of public spaces is **not able** to deliver a concrete contribution to the defence against crime ...

*(Independent state center for data protection, Schleswig-Holstein, Germany, 2004)*



**NO CCTV**

- How **aware** is the new generation of internet natives?
- What **incentive** does it take to sell your privacy?
- How easily is **consent** given?
- **Is it worth** trying to harmonize legal, social and technical context?

Research is required to assist the policy makers

- **BY PLACING AN ORDER VIA THIS WEB SITE ON THE FIRST DAY OF THE FOURTH MONTH OF THE YEAR 2010 ANNO DOMINI, YOU AGREE TO GRANT US A NON TRANSFERABLE OPTION TO CLAIM, FOR NOW AND FOR EVER MORE, YOUR IMMORTAL SOUL. SHOULD WE WISH TO EXERCISE THIS OPTION, YOU AGREE TO SURRENDER YOUR IMMORTAL SOUL, AND ANY CLAIM YOU MAY HAVE ON IT, WITHIN 5 (FIVE) WORKING DAYS OF RECEIVING WRITTEN NOTIFICATION FROM GAMESATION.CO.UK OR ONE OF ITS DULY AUTHORISED MINIONS."**
- **(...) IF YOU A) DO NOT BELIEVE YOU HAVE AN IMMORTAL SOUL, B) HAVE ALREADY GIVEN IT TO ANOTHER PARTY, OR C) DO NOT WISH TO GRANT US SUCH A LICENSE, PLEASE CLICK THE LINK BELOW TO NULLIFY THIS SUB-CLAUSE AND PROCEED WITH YOUR TRANSACTION."**

**7500 online gamers did not opt out!**

- **New ICT Risks from the Citizen perspective**
- **Multidisciplinary approach:**
  - Technology
  - Social aspects
  - Legal aspects
  - New paradigms
- **Research Target**
  - Surveillance
  - Digital Footprint
  - User Profiling
  - Sensors
  - Acceptance
  - Wireless and Radio
  - Social Networks
  - Smart Technologies
  - Ubiquitous computing
  - Awareness and concerns

- Privacy is a **cultural** good
- **Europe has not a homogeneous history**
  - Iron Curtain **history**
  - Scandinavian **transparency**
  - German **correctness**
  - Mediterranean **ease**
- **New technologies enter the markets**
  - “**Always on**” society
  - **Connectivity** everywhere
  - Internet **natives**
  - New **services** and application

**Tomorrow's** Privacy Policies  
should not be based on **yesterday's** knowledge