

# PHILIPS

## **Embedding Ethics and EU Fundamental Rights into Industrial Strategies**

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# **ICT-developments impacting fundamental freedoms**

- **People's environments will become "smart"**
  - Explosion of "electronic footprints" and data traffic
- **Seamless integration of the physical world with cyberspace**
  - Connectivity and data collection will be default
- **Blurred boundaries between public and private spheres**
  - Increased possibilities for people, companies and governments to - consciously or unconsciously- violate people's rights and freedoms
- **Globalization**
  - Cultural differences in approaches for protecting fundamental freedoms
  - People, services and data move across boundaries
    - *Need for global standards*

# Expected Impact of ICT on Privacy

- **OECD Privacy Principles were established in 1980 (!)**
  - Foundation for European policy on privacy
    - Data Protection Directive 95/46

- **OECD Privacy Principle**
  - Purpose specification
  - Collection limitation
  - Use limitation
  - Security / Confidentiality
  - Transparency
  - Individual's rights
  - Accountability

## **Risks in 21<sup>st</sup> century**

- \* Automatic unspecified data processing
- \* Increase of “electronic footprints”
- \* Data spill to unrelated domains / function creep
- \* Loss of trust, risk for personal security / safety
- \* Technology as a “black box”, unpredictability
- \* Loss of control
- \* Who owns the data ?

## **→ OECD will review its Privacy Principles**

- *Declaration on the Future of the Internet Economy* (Seoul 2008)

# Design challenges for ICT (1)

- **Form and Experience**

- Is the technology relevant and meaningful to satisfy people's needs ?
- Do people understand the technology (how it works, what it does) ?
- How to avoid alienation and exit behaviour ?

- **How to respect human dignity, autonomy and self-determination?**

- Does the technology respect security, privacy and dignity of people ?
- How to protect autonomous thinking and self-determination ?
  - Can we allow machines to take decisions about/for people ?
- How to deal with the risk of technology-dependency ?
  - Do people have a possibility/choice not to participate or to use technology ?
- Who is in control ? Who should be in control ?
  - The individual ? Care taker ? Service provider ? Or the party who pays for it ?

## Design challenges for ICT (2)

- **How to build *Purpose Specification* and *Inclusive Transparency* into technology?**
  - How do we protect “electronic footprints” in a connected world ?
  - Are people able to (effectively) protect and enforce their fundamental rights against care takers, family members, neighbours, strangers, companies, governments, etc., who may want to (mis)use the technology or the data ?
  - Do people understand the consequences of their interaction with technology ?
- **How to organize *Individual-centric* protection ?**
  - Development of Trust-Enhancing Technologies (“*privacy-by-design*” principle)
  - Business cases and services need to be designed and built with respect for fundamental rights of the end-user
  - Need for additional legal protections for vulnerable groups ?

# What does this mean for e-Inclusion ?

- **Vulnerability of certain end-user groups challenges traditional ways in which we protect fundamental freedoms**
  - Rights-based solutions like *opt-in / opt-out* require personal ability to recognize the presence of a rights-situation and rights violations
  - Informed consent may not work as the end-user may not have the mental capacity to make a choice
  - Opt-out may have serious negative consequences for the end-user
    - death, health risks, social exclusion, etc
- **The ultimate ethical question here is:**
  - *“Who should be in control over a person’s life ?”*

