

### TELECOM SOCIETY 2 JULI 2015

# Over de moeizame verhouding tussen de privacywet en big data. En wat we daaraan kunnen doen

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## roadmap

- A. WTF is IoT? What is datafication? And what is Big Data anyhow?
- B. A very short introduction to privacy and data protection law
- C. How IoT and Big Data challenge privacy and data protection law

n improbable

- informing datasubjects
- and getting their prior opt-in consent
- purpose limitation and purpose sepcification
- data minimization



# A. WHAT IS IOT? WHAT IS DATAFICATION? AND WHAT IS BIG DATA?









The internet of things is a vision of ubiquitous connectivity, driven by one basic idea: screens are not the only gateway to the ultimate network of networks.

With sensors, code and infrastructure, any object — from a car, to a cat, to a barcode - can become networked. But the question we need to ask is: should they be? And, if so, how?

It's hard to see what this [ie IoT] would look like, exactly. But imagining it shouldn't just be delegated to tech companies and opportunists riding the hype cycle.

Artists, designers, philosophers, lawyers, psychologists and social workers must be just as involved as engineers and internet users in shaping our collective digital future

[J. Judge & J. Powles 25 May 2015]



#### datafication [dey•tuh•fi•key•shuh•n]

a modern technological trend turning many aspects of our life into computerized data and transforming this information into new forms of value [Mayer-Schönberger & Cukier 2013]

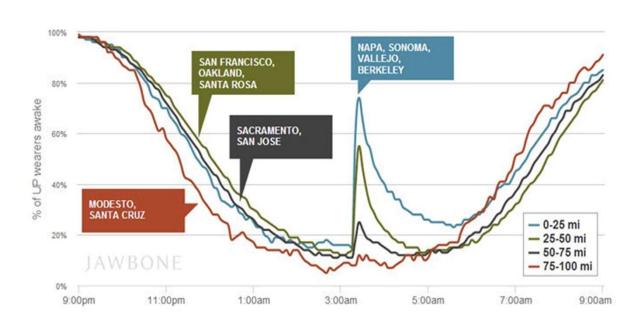




every breath you take every move you make every bond you break every step you take...









Big Data
Big Bullshit?
Big Bucks!

Big Data
Big Brother?
Big Business!



Big Data is a generalized, imprecise term that refers to the use of large data sets in data-science and predictive analytics [Mayer-Schönberger & Cukier 2013]

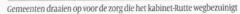
Big data can be used to identify more general trends and correlations but it can also be processed in order to directly affect individuals [WP29 2013]



unprecedented computational power and sophistication make possible unexpected discoveries, innovations, and advancements in our quality of life [White House 2014]







#### Probleemgezin kost 40.000 euro

Generation designations
Christine Resignation
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Systeem Risico Indicatie (SyRI) is een instrument waarmee gegevensbestanden van gemeenten, UWV, SVB, Inspectie SZW en Belastingdienst kunnen worden gekoppeld ten behoeve van de bestrijding van fraude op het terrein van de sociale zekerheid en de inkomensafhankelijke regelingen, de belasting- en premieheffing en de arbeidswetten

sinds 2006 in gebruik onder de aanduiding 'Black Box'..

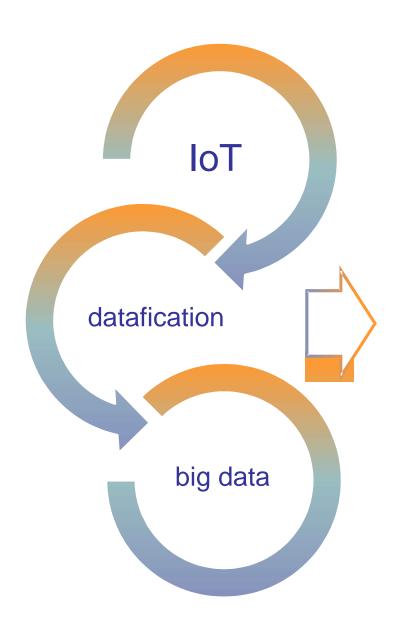


The main advantage of Big Data is that it can reveal patterns between different sources and data sets, enabling useful insights

The use of Big Data by the top 100 EU manufacturers could lead to savings worth €425 billion, and by 2020, Big Data analytics could boost EU economic growth by an additional 1.9%, which means a GDP increase of €206 billion

[EC The EU Data Protection Reform and Big Data Factsheet April 2015]











# **B.** A VERY SHORT INTRODUCTION TO PRIVACY AND DATA PROTECTION LAW



- inform data subjects
- get their consent for processing their data

### personal data

notice and consent

purpose specification and limitation

dataminimization

 no more data than necessary (for the purpose of processing)

etc.

- any information about an identifiable natural person
- single-out..?

- purpose of data collection should be well-defined
- further processing should not be incompatible with purpose of collection



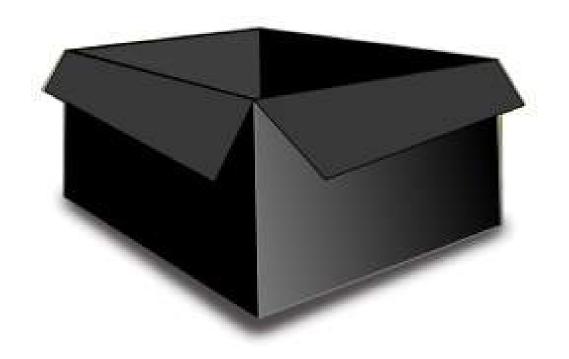
# C. HOW IOT AND DATAFICATION AND BIG DATA CHALLENGE DP LAW





### correlation ≠ causation







in a big-data age most innovative secondary uses [of data] haven't been imagined when the data is first collected. How can companies provide notice for a purpose that has yet to exist? How can individuals give informed consent to an unknown...?

[Mayer-Schönberger & Cukier 2013]

free, specific, informed and unambiguous 'opt-in' consent would almost always be required, otherwise further use cannot be considered compatible

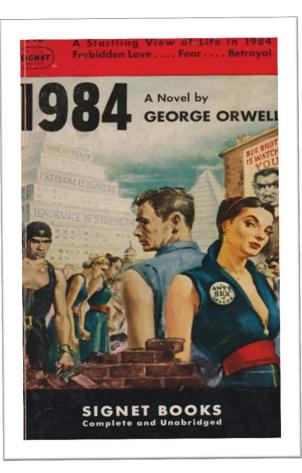
[WP29 2013]

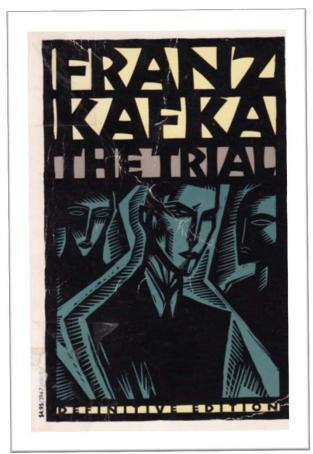


personalization stigmatization discrimination presumtion of innocence

etc



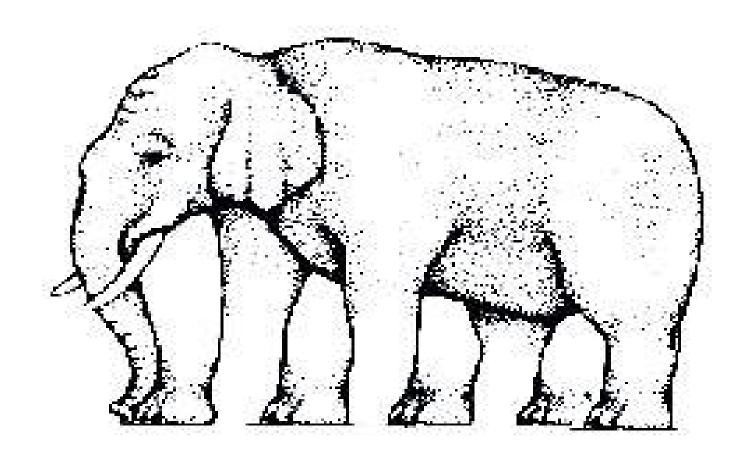








## an elephant in the room







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#### DANK VOOR UW AANDACHT

