

LAW AND DIGITAL TECHNOLOGIES ELECTRONIC COMMUNICATIONS

ePrivacy & Security

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ePrivacy – prof dr. G-J. (Gerrit-Jan) ZWENNE

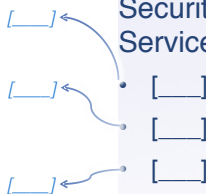
- confidentiality of communications
- communication without identification
- unsolicited commercial communications

security obligations (breach notification)
no tapping, monitoring (eg deep packet inspection)
requirements re traffic data
cookies...!

directory services ('secret telephone number'), no reversed search
calling line identification
not-itemized billing

spam (e-mail, sms, social networks) and telemarketing

Security of Networks & Services – P. (Peter) KALIS



confidentiality of communication



security obligation

Art. 4(1) ePD

Art. 5 ePR

appropriate technical and organisational measures to safeguard **security** of the [electronic communication] services, if necessary in conjunction with the provider of the public communications network with respect to network security

having regard to the state of the art and the cost of their implementation, these measures shall ensure a level of security appropriate to the risk presented.




breach notification

Art. 4(3) ePD

Art. 33-34 GDPR

- notify the personal data breach to the competent national authority
- also notify the subscriber or individual, if likely to adversely affect the personal data or privacy of a subscriber or individual, of the breach without undue delay

24 hours? 72 hours?
what's the startingpoint?




The Register
Biting the hand that feeds IT

Security

Gemalto: NSA, GCHQ hacked us – but didn't snatch crucial SIM keys

'Investigation' admits to attacks, but says phone crypto secrets stayed secure

25 Feb 2015 at 08:00, Simon Sharwood

Gemalto, the world's biggest SIM card maker, has investigated the NSA's and GCHQ's infiltration of its computers – and says that while the agencies did get into its network, they didn't get in far enough to siphon off phone-call encryption keys.

Files leaked by intelligence whistleblower Edward Snowden appeared to show the US and UK had broken into Gemalto's systems to obtain thousands, if not millions, of secret encryption keys (K_e) which are baked into every SIM – and used to safeguard conversations from eavesdroppers.



"electronic communications metadata"

Art. 5(1) ePD

Art. 6 ePR


confidentiality of communications and traffic data

no listening, tapping, storage or other kinds of interception or surveillance of communications and the related traffic data by persons other than users, without the consent of the users concerned

deep packet inspection ("dpi")

net neutrality debat...


spam filter..?

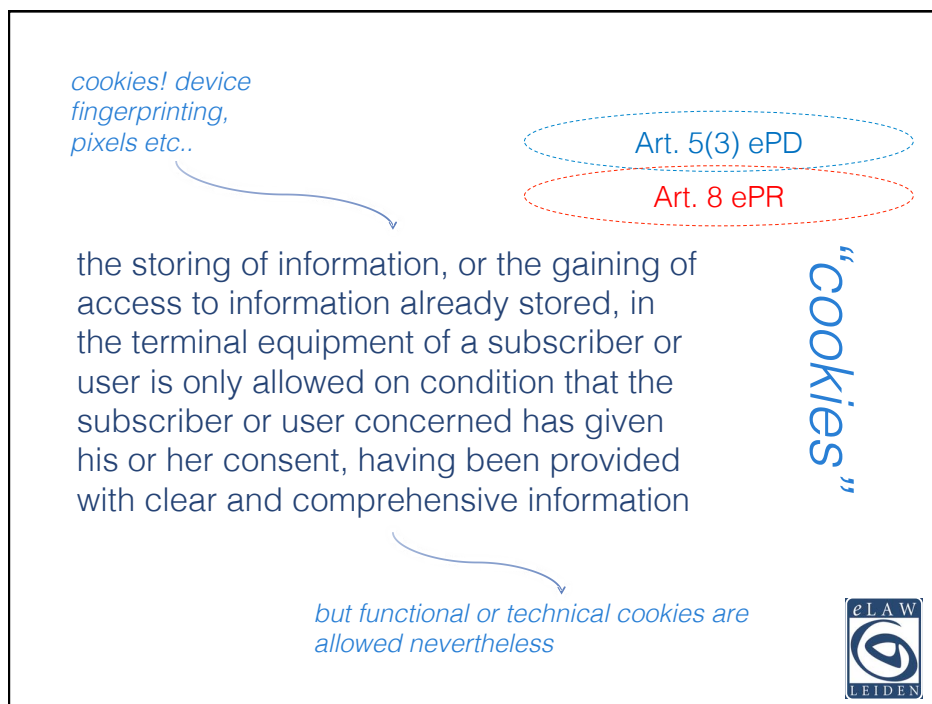
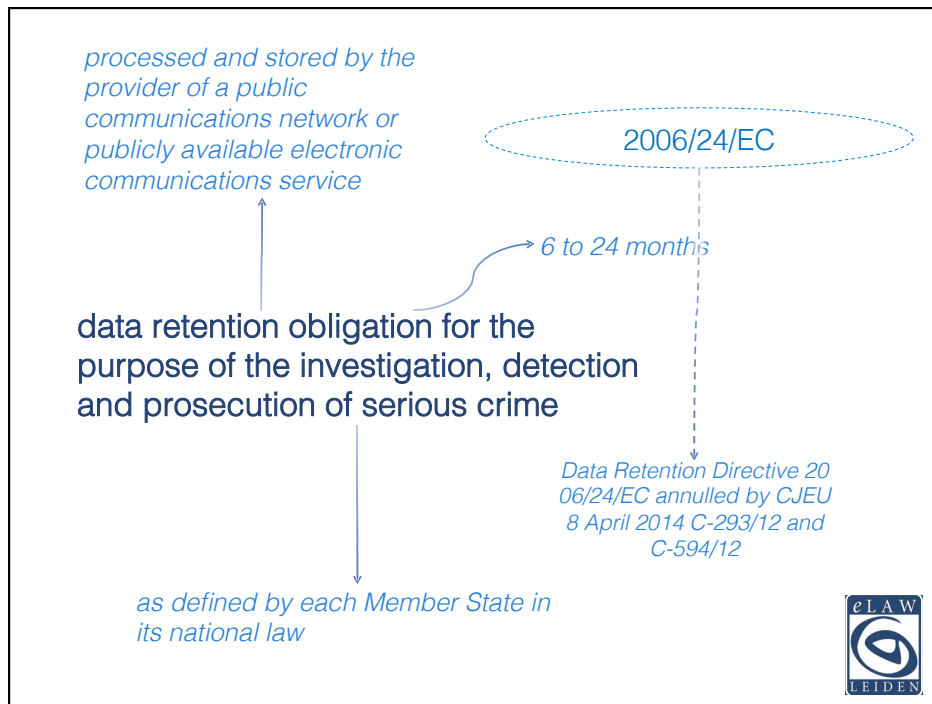


Art. 6 ePD

traffic data relating to subscribers and users must be erased or made anonymous when it is no longer needed for the purpose of the transmission of a communication

with user or subscriber data may be used for the purpose of marketing electronic communications services or for the provision of value added services





pop-ups or banner..?

explicit or implied consent...?

commercial tracking cookies

cookie retention terms



*where technically possible
and feasible [...] consent may
be expressed by using the
appropriate technical settings
of a software application
enabling access to the
internet.*



communication without identification



*subscriber has the right to
have invoice without details*



non-itemized billing

calling line identification

directory services



- *subscriber must be informed about inclusion in directories (incl purposes), and*
- *provided a choice (opt-in or opt-out)*

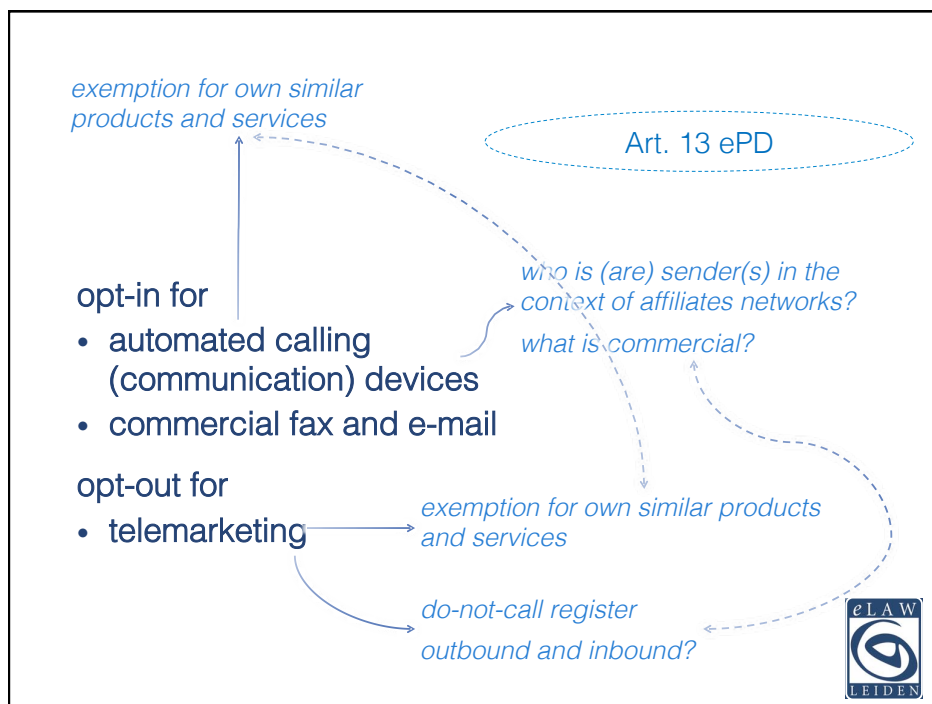
Art. 7, 8 and 12 ePD

user has the right to

- *block cli-presentation of his/her own calls*
- *reject cli-blocked calls from others*
- *block cli-presentation of calls from others*



unsolicited commercial communication



CLI DPI
CDR NSA



questions?

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