Brussels Privacy Hub Newsletter

Issue 17 - November 2018

In Focus

18 December 2018: Book Launch - BEING PROFILED - COGITAS ERGO SUM

10 Years of 'Profiling the European Citizen'

In **2008** '*Profiling the European Citizen. Cross-Disciplinary Perspectives*' was published, wherein lawyers, philosophers and computer scientists investigated the legal, philosophical and computational background of the upcoming algorithmic order.

In June **2018** a largely new group of lawyers, political scientists, computer scientists and philosophers revisited the issues, underpinnings, operations and implications of micro-targeting, data-driven critical infrastructure, ethics-washing, p-hacking and democratic disruption that have now become part of everyday life.

On 18 December the resulting volume:

BEING PROFILED:COGITAS ERGO SUM

will be presented and discussed by a panel of policy makers, academics and relevant industry speakers, to celebrate and mourn the increased relevance of *Profiling the European Citizen*. This event will connect the dots between Profiling the European Citizen (2008) and Being Profiled (2018) by asking the question:

Are we becoming what machines infer about us, or are we?

The programme will soon become available.

Time: 12:00 - 14:00 (lunch is included)
Venue: Institute of European Studies, Vrije Universiteit Brussel, Pleinlaan 5, 1050, Brussel
Registration: The event is free to attend, but due to limited capacity, registration is required. Should you encounter difficulties with the online registration, please contact info@brusselsprivacyhub.eu

Register

Upcoming Events

27 November 2018: Big Data and Cybersecurity in China and the EU: Identifying points of convergence and future cooperation

The **Brussels Privacy Hub** is organising a full-day workshop on "**Big Data and Cybersecurity in China and the EU: Identifying points of convergence and future cooperation**", to be held on **27 November 2018**.

The workshop will elaborate upon the notions of Big Data and Cybersecurity, as perceived and used in China and in the EU. Both notions are of central importance: The Chinese Cybersecurity Law was enacted in July 2017, raising international interest on its approach to this topic. In the EU, cybersecurity constitutes a crucial part of its Digital Single Market strategy, with a number of relevant legislative instruments currently found at various stages of implementation. Since both China and the EU are major players in the international digital field, common understanding is urgently required on such central topics. This workshop aims at bringing together experts from both sides, in order to identify points of convergence as well as opportunities for future cooperation.

The workshop will be attended by EU and Chinese high-profile experts specialists in the fields of cybersecurity and data privacy law. It is organised with the support of the VUB Confucius Institute, under its 2018 call for research activities.

Venue: Spanish National Research Council, Rue du Trône 62, 1050 Ixelles
Registration: Register at **info@brusselsprivacyhub.eu**

Full programme to be announced on our Website soon.

27 November 2018: Class 2 of Digital Data Flows: Geo-Location Data
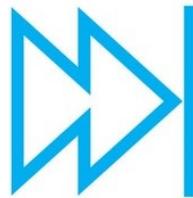
Digital Data Flows Masterclass is a **year-long educational program** designed for regulators, policymakers, and staff seeking to better understand the data-driven technologies at the forefront of data protection law & policy. The program features experts on machine learning, biometrics, connected cars, facial recognition, online advertising, encryption, and other emerging technologies.

Its next edition, on **27 November 2018**, co-organised by the **Brussels Privacy Hub** and the **Future of Privacy Forum (FPF)** will focus on **location data**, including GPS, Wi-Fi, and spatial analytics.

Participants will gain an understanding of: the sources of geo-location data in daily life (GPS, Cell Towers, Wi-Fi) and how it is collected through apps, smartphones, and carriers; proximity signaling through near-field communication (NFC) and Bluetooth beacons; and Wi-Fi analytics in retail, transportation, and urban planning. Participants will also learn the 6 dimensions of geo-location data, how these affect risks to individuals and groups of individuals and how these risks can be reduced or mitigated through technology.

Time: 14:30 - 16:30
Venue: Radisson Blu Royal Hotel, Rue du Fossé aux Loups 47, 1000 Bruxelles, Belgium (walking distance of 8 minutes from the SQUARE Brussels Meeting Centre where IAPP Europe conference is held 26-29 November)
Registration: The event is free to attend. For in-person participation, register here. For remote registration, register here.

Register

30 November 2018: The copyright directive and concerns for free expression, big data innovation and access to information

The legislative works on the proposal for a **Directive on Copyright in the Digital Single Market (DSM)** are reaching a next critical stage. The European Parliament and Council have held their second "trilogue" negotiation meeting in view of reaching a final compromise text, after the near rejection of the report on the proposal by the European Parliament. It appears, that both sides have not discussed yet in any depth the most controversial provisions of the proposal: **Article 11 (press publishers' right)** and **Article 13 (upload filters)**. Additionally, a substantial debate on **Article 3 (text and data mining exception)** is lacking. Critics of the proposals point to potential dangers for the fundamental right of freedom of expression and access to information posed by these provisions. They argue for either deletion of these provisions for their serious risk to an individual's right to freedom of expression or a substantial amendment to preserve the open nature of the internet. Moreover, it remains unclear how the copyright proposal will interact with big data innovations.

In this lunchtime debate leading experts will discuss the potential impact of Article 3 (text and data mining exception), Article 11 (press publishers' right) and Article 13 (upload filter) from the academic angle, the business perspective and the governmental viewpoint.

Chair: **Jens-Hendrik Jeppesen**, Center for Democracy & Technology (CDT)

Speakers:

- **Raegan MacDonald**, Mozilla
- **David Baervoets**, Permanent Representation of Belgium to the EU (tbc)
- **Aleksandra Kuczerawy**, KU Leuven

The programme is available here.

Time: 12:00 - 14:00 (lunch is included)
Venue: Lisbon Conference Room, Lower Ground Floor, Institue for European Studies, VUB, Pleinlaan 5, 1050 Brussels
Registration: The event is free to attend, but due to limited capacity, registration is required. Should you encounter difficulties with the online registration, please contact info@brusselsprivacyhub.eu

Register

13 December 2018: Launch - VUB Chair "Data Protection on the Ground"

The VUB research chair "**Data Protection On the Ground**" (DPOG) promotes the investigation into actual practices of data privacy in organisations and the dissemination of best practices. The focus of its research is on developments in four sectors: smart cities, health, media, and banking.

The Chair holder is Prof. **Jo Pierson**, the doctoral researcher is Mrs. **Ine van Zeeland** and the research is coordinated by the research center imec-SMIT (Studies on Media, Innovation & Technology), in collaboration with the research group LSTS (Law, Science Technology & Society) and Mr. **Willem Debeuckelaere** (President Data Protection Authority). The Chair was established in partnership with BNP Paribas Fortis.

Please register if you wish to attend the launch event. More information will follow soon.

Time: 09:00 - 12:30 (lunch is included)
Venue: Les Ateliers des Tanneurs in Brussels (Rue des Tanneurs 58-62, 1000 Brussels)
Registration: Please register here if you wish to attend the launch event. More information will follow soon.

Register

17 December 2018: Meet the Author Series - Algorithmic discrimination under EU law (Dr. Philipp Hacker)

On 17 December 2018, the Brussels Privacy Hub will host its next edition of the Meet the Author Series titled "**Algorithmic discrimination under EU law**". This time it will be a debate with the author of an academic paper entitled "**Teaching fairness to**

artificial intelligence: Existing and novel strategies against algorithmic discrimination under EU law", Common Market Law Review (Issue 55, 2018, pp. 1143–1185), written by Dr **Philipp Hacker** of Humboldt University in Berlin.

The article discusses the impact of artificial intelligence applications for EU anti-discrimination law which may struggle to adequately capture algorithmic decision making. The topic is also crucial for data protection law, if only because of the specific protection against automated decision making in the GDPR. The article suggests an integrated vision of anti-discrimination and data protection law to enforce fairness in the digital age. The GDPR toolkit, with independent data protection authorities and specific tools like a data protection impact assessment, could play an important role here.

A programme is available here.

Time: 12:15 - 14:30 (lunch is included)
Venue: Room Rome, Institute of European Studies, Vrije Universiteit Brussel, Pleinlaan 5, 1050, Brussel
Registration: The event is free to attend, but due to limited capacity, registration is required. Should you encounter difficulties with the online registration, please contact info@brusselsprivacyhub.eu

Register

Past Events

11 October 2018: Data localisation - Analysing a growing global regulatory phenomenon

On **11 October 2018**, the **Brussels Privacy Hub** organised a seminar on "**Data localisation: Analysing a growing global regulatory phenomenon**" followed by a reception. The well-attended event featured a presentation by **Helena U. Vrabec** (Palantir, Yale Law School) on "Data localisation measures and their impact on data economy", followed by a contribution of Professor **Andrew Keane Woods** (University of Arizona) on the intersection of jurisdictional conflicts and data localisation. The following debate was

chaired by Hub Co-Director Professor **Paul De Hert** (LSTS, VUB). A **summary** of the proceedings is now available here.

23 - 25 October 2018: Brussels Privacy Hub co-hosted three successful side events at the International Conference of Data Protection and Privacy Commissioners (ICDPPC)

23 October 2018: The future for collective action under the GDPR

On **23 October 2018**, the **Brussels Privacy Hub** in association with **Privacy Laws and Business** organised an event addressing issues concerning the **future for collective action under the GDPR**. The slides of the speakers are available here.

23 October 2018: Data Protection in Humanitarian Action 2nd Working Paper Series

On 23 October 2018, the **Brussels Privacy Hub** launched the working series in order to update the **Handbook on Data Protection in Humanitarian Action** in partnership with the **ICRC**. A summary of the event is available here.

25 October 2018: Digital Data Flows Master Class - Emerging Technologies

On **25 October 2018**, the **Brussels Privacy Hub** co-hosted the **Digital Data Flows Master Class on Emerging Technologies** in partnership with **Future of Privacy Forum**. Find more information on the series here.

7 November 2018: Meet the Author Series - Transatlantic Jurisdictional Conflicts in Data Protection Law (Dr. Mistale Taylor)

On **7 November 2018,** the Brussels Privacy Hub hosted the fifth edition of its **Meet the Author Series** with **Mistale Taylor** (Utrecht University) discussing her doctoral thesis **"Transatlantic Jurisdiction Conflicts in Data Protection Law: How the Fundamental Right to Data Protection Conditions the European Union's Exercise of Extraterritorial Jurisdiction"**. The seminal work exploring jurisdictional issues connected to the EU's data protection rules was debated by **Anna Buchta** (EDPS), **Frederik Zuiderveen Borgesius** (University of Amsterdam/LSTS) and **Hielke Hijmans** (Brussels Privacy Hub). A summary will be uploaded to the website soon.

Publications

Summary on lunchtime workshop "GDPR and scientific research" now online

On **29 August 2018**, the **Brussels Privacy Hub** in cooperation with the **Promoting Integrity as an Integral Dimension of Excellence in Research (PRINTEGER)** project held a lunchtime workshop on "**Data protection for scientific research: Which preliminary findings under the GDPR?**". Serge Gutwirth (LSTS, VUB) chaired the panel, which consisted of Marlon Domingus (Data Protection Officer, Erasmus University Rotterdam), Audrey Van Scharen (Data Protection Officer, VUB), Jef Ausloos (Legal Researcher, CiTiP, KU Leuven), and Gloria González Fuster (LSTS/BPH, VUB) and discussed the complex relationship of the GDPR with scientific research. A summary of the event can be found here.

Summary of Hub event on "The GDPR and Journalism" available

On **18 September 2018**, the **Brussels Privacy Hub** hosted a lunchtime seminar on "**The GDPR and Journalism. Protecting Privacy or a Break on Democratic Accountability?**". In the seminar, Charlotte Michils, legal advisor VVJ / AVBB, informed about the recently adopted Belgian law that tries to reconcile within the data-intensive activity of journalism the fundamental rights of freedom of expression and data protection. Such national legislation is explicitly encouraged in the GDPR with Article 85. The presentation was followed by a lively debate with the audience chaired by Hub member Paul Quinn (LSTS/VUB). Find a summary of the proceedings here.

New Working Paper: Enforcement in Indonesia Privacy Laws - The 2018 Facebook-Cambridge Analytica Scandal As A Case Study

Brussels Privacy Hub Visiting Scholar Anbar Jayadi published her working paper researched during her stay at the Hub on "**Enforcement in Indonesia Data Privacy Laws: The 2018 Facebook-Cambridge Analytica Scandal as a case study**". The 13th BPH Working Paper uses the way the Facebook-Cambridge Analytica scandal unfolded in Indonesia, leading to a collective action challenge in civil courts, to show current and potential future Indonesian data privacy laws and especially analyse whether enforcement of those rules would provide remedy against the failures revealed in the Facebook-Cambridge Analytica scandal. This analysis also provides useful insights into the current data privacy law reform ongoing in Indonesia.