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Informational privacy

The philosophical debate about the notion of privacy has been going on since Warren and Brandeis [1890] who put the 'right to be left alone' square in its center as a reaction to **the adoption of photography as a new technology**.

Human rights for privacy are based on the respect for (a) his private and family life, (b) his home and (c) his correspondence.

Furthermore, Westin Westin [1967] stated that „the individual's desire for **privacy is never absolute**, since participation in society is an equally powerful desire."

Nature of the data

From an enforcement perspective it is important to understand the **nature of the data** in relation to the **purpose of the data processing** and the **context**.

Data points may contribute to a detailed picture of someone's life, e.g. data related to:

- the person's health
- economic situation
- information on political or philosophical beliefs
- performance at work or data related to leisure
- personal preferences or interests
- detailed location or movements

Beyond protection of data flows:

Privacy protection is contextual and not the same everywhere due to (a) cultural differences and (b) national, regional and international regulatory requirements.

Global competition on new technology and compliance is therefore challenging.

Example: Do Not Track, W3C
- What does DNT mean? (compliance spec.)
- How should the server respond? (protocol spec.)

Examples of privacy concerns raised with new technology

Article 29 working party opinions contain practical use cases ranging from **targeted advertising** to **law enforcement.**

Recommended reading, e.g.:
- Opinion 03/2013 on **Purpose limitation**
- Opinion 05/2014 on **Anonymisation techniques**
- Opinion 6/2014 on **Legitimate interests**
- Opinion 01/2014 on the Application of **necessity and proportionality concepts**

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