Computers, Privacy and Data Protection: an Element of Choice
Computers, Privacy and Data Protection: an Element of Choice
Privacy and data protection have never been static. On the contrary, the history of the last 40 years shows the reverse. Even if some important parts of the legislative framework – such as the EC Data Protection Directive of 1995 – have remained unaltered, new issues and challenges continue to emerge, requiring an ongoing process of interpreting their effect in terms of reach, objectives and their deeper significance. Such new issues do also trigger the elaboration of more specifically targeted legislative interventions that do not always fit seamlessly into the pre-existing framework. But this is not a surprising picture, since the developments, which resort under the denominators of privacy and data protection are generating and challenging the concerns of numerous different stakeholders who effectively use their voices and power to transform those concerns into political issues. Moreover, the number of factors and actors that sensibly impact upon privacy and data protection are manifold. Indeed, the consequences of technological applications due to unprecedented storage, processing and transmission capacities and by the possibilities of miniaturisation, convergence, interoperability and ubiquity, represent powerful triggers and challenges of emerging developments, but they are not the only determining factor. The current developments in the field are also linked to many other sources of action and change, such as business models, security policies, population management, police work and law enforcement, leisure, culture, health policies, practices in the “real” and in the “virtual” world and so on. Through its large variety of issues discussed, this book indeed evidences such complex cartography of issues related to privacy and data protection.

From the first edition on, in 2007, the annual international Computers, Privacy and Data Protection or “CPDP”-conferences\(^1\) held in Brussels have taken these dynamic and multi-faceted features of privacy and data protection seriously and have upheld those at the core of their concept and organisation. The conferences are conceived as lively and interactive meetings where academics, practitioners, policymakers, business representatives, data protection authorities, lawyers, activists and artists come together to exchange ideas and discuss emerging and/or hot issues related to privacy and data protection. Since the program is built up around an

\(^1\)For more information about the CPDP-conferences: see [http://www.cpdpconferences.org](http://www.cpdpconferences.org)
important number of panels, sidetracks and side events with a high autonomy, the
conference is a fertile soil for the prospering of debates and the taking form of new
issues, questions and ideas, as is indeed evidenced by the rich collection of chapters
that were published in the books made after the first and second editions of the con-
ference, namely *Reinventing data protection?* (S. Gutwirth, Y. Poullet, P. De Hert,
C. de Terwangne en S. Nouwt, Eds, Springer 2009) and *Data protection in a profiled

Like the two books we just mentioned, this book is again a sequel of a CPDP-
conference. It has been made in the wake of its, again successful and inspiring, third
edition, which was held in Brussels, in the famous *Kaaitheater*, immediately after
“Privacy Day” on the 29th and 30th January of 2010. This edition of the confer-
ence had *An element of choice* as title, and the editors decided to keep it as the title
of the book, because the notion of “choice” expresses the wish to individual and
societal control and channel evolutions and change in a direction that matches our
both individual and collective projects and dreams. For sure, and as we suggested
already, the developments and changes concerning data protection and privacy are
the resultant of complex interplays and articulations of pertinent, but sometimes very
heterogeneous, factors and actions, in which the moments and locations of choices
and decisions are diverse, disseminated and difficult to identify. Hence, our focus
upon “choice” as the overarching concept of this collection of peer reviewed chap-
ters which focus on privacy and data protection from the perspective of conceptual
changes (part 1), of counterforces and drawbacks (part 2), of inventive and singular
practices (part 3) and of the emergence of the transversal technological development
of cloud computing (part 4), must be read as a claim, or even stronger, as a reclaim.

In the face of the developments affecting privacy and data protection, “choice”
unambiguously evokes both the need to collectively take responsibility and direct
those developments in a desirable direction, providing the ambit to influence and
steer the course of things in a way that matches our expectations related not only
toward privacy and data protection, but also more broadly, to the kind of world we
are building up. This challenge is not an easy one since all “big” policy choices
we might be willing to make are conditioned by a myriad of “small” decisions and
bifurcations that already have set many switches changers in irreversible positions.
In one or another way, all the contributions to this book do express the complexity of

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2The CPDP2010 was The CPDP2009 conference was organised by the Research Centre for *Law,
Science, Technology & Society* (LSTS) at the Vrije Universiteit Brussel, the *Centre de Recherches
Informatique et Droit* CRID at the University of Namur, the *Tilburg Institute for Law and
Technology* at Tilburg University, the *Fraunhofer Institut für System- und Innovationsforschung*
(ISI) in Karlsruhe, the *Institut National de Recherche en Informatique et en Automatique* (INRIA)
in Grenoble, the Vlaams-Nederlands huis *deBuren* and the VUB *instituut voor PostAcademische
vorming* (iPAVUB). The Brussels Capital Region, the Fonds voor Wetenschappelijk Onderzoek
(FWO), Microsoft, Google, the European Privacy Association, Hunton & Williams and Stibbe,
further sponsored it. The conference was also supported by crucial players and stakeholders such
as the *European Data Protection Supervisor*, the Dutch *College Bescherming Persoonsgegevens*,
the Belgian *Commission for the protection of the private sphere* and both the Belgian Flemisch and
French speaking Human Right Leagues.
the making of choices regarding to the issues of privacy and data protection which interest and concern their authors. May this book relay the interests, concerns and commitment of its authors to as many possible readers and may this, in turn, lead to the making of good choices with regards to matters we believe to be important for the future design of our societies. This is all the more relevant since the revision of the 1995 EC Data Protection Directive, the centrepiece of European data protection, is being revised as these sentences are written.

Brussels, Belgium
Namur, Belgium
Brussels, Belgium
Tilburg, The Netherlands

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