

3RD INTERNATIONAL CONFERENCE  
29 & 30 JANUARY 2010 | BRUSSELS BELGIUM  
**COMPUTERS, PRIVACY &  
DATA PROTECTION**  
**An Element of  
Choice**

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**For accommodation**

www.resotel.be/cpdp

**Fee**

General fee 250 euro, Student- & PhD-fee 130 euro

**Accreditation**

for IAPP-certified professionals 14 CPE-Points

for Belgian lawyers 12 Points

for Dutch lawyers 4 PO-points (Juridisch PAO- en Congresbureau)

for Belgian magistrates requested



**Location**

Kaaitheater, Akenkaai 2, 1000 Brussels, Belgium

www.kaaitheater.be

**Itinerary**

15 minutes walk from North Station

**Public transport:** Stop metro IJzer; Tram 51; bus: 47, Noctis N18 (Heizel-De Brouckère); bus: 129, 190, 212, 213, 214, 230, 231, 232, 233, 235, 240, 241, 242, 243, 246, 250, 251, 260 en 355;

**Car:** Inner City Ring, Leopold II-tunnel, between Rogier & Basiliek, exits Sainctelette & IJzer



Vrije Universiteit Brussel

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FRENCH NATIONAL  
INSTITUTE FOR RESEARCH  
IN COMPUTER SCIENCE  
AND CONTROL



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Organised by

Vrije Universiteit Brussel, Research group on Law, Science, Technology and Society LSTS (BE)  
Facultés Universitaires de Namur, Centre de Recherches Informatique et Droit CRID (BE)  
Institut National de Recherche en Informatique et en Automatique INRIA (FR)  
Tilburg University, Tilburg Institute for Law, Technology, and Society TILT (NL)  
Fraunhofer Institut für System- und Innovationsforschung ISI (DE)

FRENCH NATIONAL  
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IN COMPUTER SCIENCE  
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Vrije Universiteit Brussel

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### Disclaimer

This programme was carefully put together. Printing errors, modifications, or last-minute changes are not impossible.  
\* invited, to be confirmed.

For further updates on the CPDP programme and speakers

[www.cpdpconferences.org](http://www.cpdpconferences.org)

## Mission Statement

**The annual Conference**  
**Computers, Privacy and Data Protection**  
**aims to create a bridge between**  
**policymakers, academics, practitioners and activists.**

## Objectives

- 1 Identifying and addressing new challenges to be faced by computer privacy and data protection, especially with regards to issues related to profiling and autonomic computing,
- 2 Bringing together, in a high level expertise conference, most of the academic key specialists in the field, data protection commissioners, computer scientists, practitioners, activists and people from standardization bodies and ICT industries,
- 3 Addressing recommendations to private and public policy makers in the context of the E.U. Privacy Law and the E.U. Data Protection Directive Review.

## Concept

**11 Panel Sessions** on Friday January 29th and Saturday 30th 2010 (*page 6 to 10*)

**3 Side Events** for a pre-registered audience, devoted to selected issues of information technology, privacy, data protection and law (*page 8, 11, 12*)

**Pecha Kucha Night** on Thursday evening January 28th 2010, free entrance, registration mandatory (*page 13*)

Linked to the **European Privacy Day** on Thursday 28th 2010 (*page 13*)

# Friday January 29<sup>th</sup> 2010

## 1.1. CPDP2010 – 1st Day *(Kaaitheater)*

### 9.00 **ELEMENTS OF CHOICE: DATA PROTECTION AND ITS STAKEHOLDER COMMUNITY TODAY**

Paul DE HERT, Vrije Universiteit Brussel LSTS (BE), University of Tilburg TILT (NL)

### 9.15 Panel 1 **FORGETFULNESS AND DATA RETENTION**

The panel will review forgetfulness from a multidisciplinary perspective and address issues such as the possibility or impossibility of providing new technical, legal or social solutions to better protect forgetfulness (or to allow subjects to regain some control on their personal data).

Forgetfulness, or the right to be forgotten is often referred to as one of the essential dimensions of privacy. Forgetfulness is explicitly protected by privacy laws which require that data must not be recorded longer than the time needed for the purpose of the collection. This principle, however, is very difficult to put into practice at a time when storing information is so cheap and easy that it becomes the by-default rule and data is more and more disseminated over Internet, creating a new form of nuisance which has been referred to as 'data pollution'. The overall result of this trend is a loss of control of the subjects on their personal data.

Panel hosted by Claudia DIAZ, KULeuven ESAT/COSIC (BE) & Daniel LE METAYER, INRIA (FR)  
**Panel** Patrick BREYER, Working Group on Data Retention (DE); Claude CASTELLUCCIA, INRIA (FR); Jean-François BLANCHETTE, University of California (US); Andreas PFITZMANN, Dresden University of Technology (DE); Peter FLEISCHER, Google (US)

11.00 Coffee break

### 11.20 Panel 2 **FOCUS ON A EU AGENDA: TRUST IN THE INFORMATION SOCIETY**

Trust is at the core of our social order and economic prosperity. It is the basis for economic transactions and inter-human communication. The Internet and the Web are transforming society in a fundamental way. Although the Web exists only for 15 years it already has great impact on our lives and on society. But with the Web moving towards the centre, its many weaknesses are also exposed. Cyber crime, data loss and breaches, identity theft and commercial profiling and linking are all increasing. Addressing these and other challenges will require seamless cooperation between technology development, understanding societal requirement and acceptance, and the development of the legal and economic environment. Suggestions will be made for making steps forward in this complicated process.

Panel presented by Jacques BUS, European Commission, DG INFSO (EU)

### 11.50 Panel 3 **WHAT WAS ON THE LAW FIRMS AGENDA IN 2009?**

The panel aims at presenting an overview of the main topics and issues debated by Law firms during 2009.

Panel hosted by Christopher KUNER, Hunton & Williams (BE)

**Panel** Pascale GELLY, Cabinet Gelly (FR); Jan DHONT, Lorenz (BE)

12.45 Lunch

### 14.00 Panel 4 **WHAT WAS ON THE US AGENDA IN 2009?**

The panel aims at presenting an overview of the main proposals and initiatives advanced in the US and Canada during 2009, as well as the relevant topics and issues raised by such proposals.

Panel hosted by Erik VALGAEREN, Stibbe (BE) & Jay STANLEY, ACLU (US)

**Panel** Paul ROSENZWEIG, Department of Homeland Security (US); Jeff CHESTER, Center for Digital Democracy (US); Anne-Christine LACOSTE, European Data Protection Supervisor (EU)

15.00 Coffee break

### 15.30 Panel 5 **WHAT WAS ON THE NATIONAL DATA PROTECTION AGENDA IN 2009?**

European data protection law has become influential outside the EU. Countries such as Argentina, Japan and New Zealand have adopted privacy laws that show influence from the European model. A central tenet of EU data protection law is the national data protection authority. All these authorities deal with an impressive data protection case load and deliver reports and opinions that are often very valuable. A short selection.

Panel hosted by Willem DEBEUCKELAERE, CPVP/CBL (BE)

**Panel** Nataša PIRC MUSAR, Slovenian Information Commissioner (SL); José Leandro NÚÑEZ GARCÍA, Spanish Data Protection Authority (ES); Francesca BIGNAMI, George Washington Law School (US)

### 16.30 Panel 6 **IDENTITY IN THE INFORMATION SOCIETY**

There is consensus building that identity is the missing layer of the internet. Lack of convenience, interoperability, privacy and international policies hamper the development of the information society. One of the key problems is that the concept of 'identity' is unclear. People create virtual identities on social networks sites and virtual worlds, have numerous accounts at different service providers, may have an identity card with embedded chip, etc. How do these relate?

This panel will bring to the fore different conceptions of identity and identity management and discuss the legal issues and challenges surrounding the 'identity problem'.

Panel hosted by Ronald LEENES & Bibi VAN DEN BERG, University of Tilburg TILT (NL)

**Panel** Bibi VAN DEN BERG, University of Tilburg (NL); Ronald LEENES, University of Tilburg (NL); Wainer LUSOLI, IPTS, EC Joint Research Center (EU); Robin WILTON, Future Identity Ltd. (UK)

17.30 Sponsored Drink

## 1.2. CPDP2010 Friday Side Event

### SECURITY AND PRIVACY IN CLOUD COMPUTING

- 11.20 First Session
- 12.45 Lunch
- 14.00 Second Session

The workshop will consist of keynote lectures on security and privacy in cloud computing as well as presentations of submitted papers.

An increasing amount of data is stored and processed outside the control of the owner. Outsourcing, software-as-a-service, infrastructure renting and social networking sites change the way we think about information handling. Instead of managing our own information, we leave it somewhere 'out there'.

This development, where information technology is provided 'as a service' through the Internet, is often referred to as cloud computing. When the information being processed is sensitive, security and privacy concerns are inevitable. How can we protect the confidentiality, integrity and availability of information that is processed outside our control? In the SPCC workshop, we seek technical and organisational solutions for protecting security and privacy in cloud computing environments.

Session organised by SPCC & CPDP

**Organising committee** Wolter PIETERS, University of Twente (NL); Pieter HARTEL, University of Twente (NL); Roel WIERINGA, University of Twente (NL); Sandro ETALLE, Eindhoven University of Technology (NL); Bart JACOBS, Radboud University Nijmegen (NL); Sjouke MAUW, University of Luxembourg (LUX)

**Keynote speaker** Jean-Pierre SEIFERT, TU Berlin & Deutsche Telekom Laboratories, Berlin (DE)

**Registration mandatory** <http://www.cpdpconferences.org/registration.html>

## 1.3. CPDP2010 Friday Evening Event

### 20.15 PHD & SCHOLARS EVENING PRESENTATIONS (till 22.30)

Ronald LEENES & Bert-Jaap KOOPS (University of Tilburg, NL) selected the following PhD Researchers and Scholars to present their projects and researches during this event:

#### Speakers

Norberto GOMES DE ANDRADE: Right to Personal Identity: The Challenges of Ambient Intelligence and the Need for a New Legal Conceptualization; Christel BACKMAN: The Vocabularies of Motive for Subject's Right to Access the Criminal Record: The Case of Sweden; Franziska BOEHM: Tit for tat Europe's revenge for the Canadian and US-American PNR systems?; John BORKING: Why Adopting Privacy Enhancing Technologies (PETs) Takes So Much Time; Fadhila MAZANDERANI & Ian BROWN: Making things private: exploring the relational dynamics of privacy; Paul Bernal: Rise and Phall? Lessons from the Phorm sag; Seda GÜRSES & Bettina BERENDT: Practices, Reciprocity and Conflict Detection in Social Networks; Guido VAN 'T NOORDENDE: A Security Analysis of the Dutch Electronic Patient Record System; Michel WALRAVE & Wannes HEIRMAN: Disclosing or protecting? Teenagers online self-disclosure; Nadezhda PURTOVA: Property in privacy; Koen VERSMISSEN: position paper.

# Saturday January 30<sup>th</sup> 2010

## 2.1. CPDP2010 – 2nd Day *(Kaaitheater)*

### 9.00 Panel 7 **REVISING THE DIRECTIVE: PARLIAMENT'S PERSPECTIVE**

As we approach the second cycle of review of the 1995 Data Protection Directive, the role of the European Parliament will be critical for ensuring that the citizen's interests are fully represented. Successive Eurobarometer surveys have shown that there is a low level of awareness of DP rights (and even lower levels of exercise of these rights), but paradoxically public concern about information privacy continues to grow. In the sphere of public security, after initial opposition to mandatory systematic data retention, Parliament ultimately acquiesced to these measures in 2002 and 2005 (despite criticism related to their incompatibility with fundamental rights), and the structural complexity of the Telecoms Package has stifled public debate on its controversial privacy aspects. Enforcement of DP is carried out by national supervisory bodies, but increasingly requires effective cross-border co-operation which is strained by the known divergences between national transpositions. Overall there seems to be little discussion about how both the form and substance of privacy protection can be substantially improved (for example by the application of advanced privacy technology or the strengthening of fundamental rights commensurate with the challenges of the digital era). Will Parliament be able to intervene more effectively and constructively with a role strengthened by the Lisbon treaty? How can civil society help Parliament better understand the false and genuine dilemmas of the public policy of privacy?

Panel hosted by Caspar BOWDEN, Microsoft EMEA (UK)

**Panel** Stavros LAMBRINIDIS\*, European Parliament, S&D (GR); Sophie IN'T VELD, European Parliament, ALDE (NL); Jan Philipp ALBRECHT, European Parliament, Greens (DE)

10.30 Coffee break

### 10.45 Panel 8 **REVISING THE DIRECTIVE: EXPERTS' PERSPECTIVE**

The discussions will focus on the review of Directive 95/46/EC. The advent of the ubiquitous information society might require a far more ambitious response from the European legislator. What are the pending issues still to be solved? Which new challenges are to require action during the following years? Which innovative approaches shall be imagined? The debate has only started.

Panel hosted by Yves POULLET, University of Namur CRID (BE)

**Panel** Jacob KOHNSTAMM, Art.29 Data Protection Working Party (NL); Lee BYGRAVE, University of Oslo (NO); Joseph SAVIRIMUTHU, Liverpool Law School (UK); Patrick VAN EECHE, University of Antwerpen (BE), Thierry LEONARD, Facultés Universitaires Saint-Louis (BE)

### 11.45 Panel 9 **WHAT WAS ON THE PTA AGENDA IN 2009?**

Most parliaments in Europe have for some years had an institution that supports policy-making about new scientific and technological developments. These institutions are united in the EPTA Network (European Parliamentary Technology Assessment

Network). These institutions try to chart the promises as well as the challenges posed by technological developments, in the ethical, medical, socio-economic, cultural and ecological sphere through research projects, expert polls and participative methods and techniques that allow gauging the public opinion on these developments. In this panel a selection is presented of privacy issues.

Panel hosted by Johann CAS, Institute of Technology Assessment (AT)

**Panel** Jacob Skjødt NIELSEN, DBT (DK); Sergio BELLUCCI, TA Swiss (CH); Arnd WEBER, Institute for Technology Assessment and Systems analysis (DE)

12.45 Lunch

14.00 Panel 10

### **SURVEILLANCE IN FRANCE: STRATEGIES AND COUNTERSTRATEGIES**

30 years after the adoption of its Data Protection Act, the time for assessment of surveillance and social control policies has finally come in France. In 2008, the creation of EDVIGE provoked a large mobilization in the society, forcing the government to step back on this massive routine intelligence database. This awakened the awareness on a strong and enduring French trend to set up large police files, to use biometric and genetic data, and to target vulnerable populations, such as foreigners and migrants, poor people and, last but not least, children and youngster. In 2009, a further concern emerged through the discussion on the HADOPI law trying to implement the 'graduated response' or the 'three strikes approach' against file sharers, as well as following the announcement of new measures to fight cybercrime. 2009 has seen numerous assessment reports, discussions and actions on all these issues.

Panel hosted by Meryem MARZOUKI, CNRS (FR) & EDRI (EU)

**Panel** Jérémie ZIMMERMANN, La Quadrature du Net (FR); Jean-Pierre DUBOIS, French League of Human Rights (FR); Georges DE LA LOYÈRE, French Data Protection Authority (FR)

15.00 Coffee break

15.30 Panel 11

### **INTELLIGENT TRANSPORTATION SYSTEMS (ITS) AND SMART VEHICLES**

ICT is increasingly embedded in different transportation means and based on an information infrastructure. In the field of road transport ITS provides innovative services on transport modes and traffic management to various users such as travellers, road transport infrastructure users and operators, fleet managers etc. In addition, cars are becoming autonomous, self-organising, wireless communications networks connected to the ITS infrastructure as well as to the conventional mobile networks. The connectedness of cars and the existence of a ubiquitous infrastructure allows the unprecedented collection of data about citizens' movements. The panel aims at presenting an overview of the technical developments and applications and how possible privacy and data protection issues are addressed.

Panel hosted by Michael FRIEDEWALD, Fraunhofer ISI

**Panel** Antonio KUNG, Trialog, École Centrale Paris (FR); Christophe GEUENS, KU Leuven Center for Law & ICT (BE); Frank KARGL, University of Twente (NL), Albert Held, Daimler AG (DE)

17.00 **CONCLUDING NOTES**

Peter HUSTINX, European Data Protection Supervisor, EDPS (EU)

## 2.2. CPDP2010 Saturday Side Event Morning

### **DATA PROTECTION JUSTICE & HOME AFFAIRS SEMINAR**

The Area of Freedom, Security and Justice is a key priority in the European Union agenda and therefore one of the most dynamic fields in terms of policy making. Currently, it is undergoing a number of significant changes that affect the balance between human rights and security. In this area, it is crucial that attention be paid to the impact on freedom of measures taken in the name of security and justice at all the levels of governance in the EU. CPDP will therefore schedule a regular panel in the years to come with a selection of issues.

Session organised by CPDP and ERA

Hosted by Cornelia RIEHLE, ERA (DE) & Diana ALONSO BLAS, Eurojust (EU)

**Registration mandatory** <http://www.cpdpcferences.org/registration.html>

9.45 Panel discussion

### **Strengthening EU key players for police and judicial cooperation in criminal matters and also strengthening their data protection? Latest developments**

Key players in the field of European criminal justice like Europol and Eurojust today are asked to more and more enhance their exchange of information with themselves, EU-Member States and third states. But can this be done while guaranteeing data subjects' rights?

Moderated by Cornelia RIEHLE, ERA (DE)

**Short state of play comments by** Marie-Hélène BOULANGER, EC-DG JLS (EU) and Cecilia VERKLEIJ, EC-DG JAI (EU); Peter MICHAEL, Council of the EU (EU); Diana ALONSO BLAS, Eurojust (EU); Daniel DREWER, Europol (EU)

10.30 Coffee break

10.45 Panel discussion

### **One for all or one each? Regulating data protection for police and judicial cooperation in criminal matters. Which way to go?**

The recent communication from the Commission to the European Parliament and the Council on 'An area of freedom, security and justice serving the citizen' (COM (2009) 262 final, Brussels, 10.6.2009 (Stockholm programme), while giving data protection a prominent role in this context, does not define any clear direction for the development of this area in the following years. It refers on one hand to the fact that the Union must secure a new comprehensive strategy to protect citizens' data within the EU and in its relations with other countries, suggesting therefore *a contrario* a change from the existing division first-third pillar. On the other hand, the communication refers to the high level of protection offered by the current legal framework, which should be maintained.

**Panel** Marie-Hélène BOULANGER, EC-DG JLS (EU); Cecilia VERKLEIJ, EC-DG JAI (EU); Hielke HIJMANS, EDPS; Diana ALONSO BLAS, Eurojust (EU); Daniel DREWER, Europol (EU)

## 2.3. CPDP2010 Saturday Side Event Afternoon

### PRIVACY REGULATION IN A WORLD OF AMBIENT INTELLIGENCE

- 14.00 First session
- 15.10 Coffee break
- 15.30 Second session

Ambient Intelligence (Aml) will drastically change our use of computers and the meaning of the notion of privacy. Computers will become faster and more powerful. They will also become much smaller and be integrated in all objects in our environment. Nearly everything around us and in us will have computer power. Moreover, all intelligent objects will communicate, exchange information and together become the 'internet of things' instead of a mere internet of computers.

Session organized by ICTethics consortium ([www.icthatmakesthedifference.eu](http://www.icthatmakesthedifference.eu))

**Partners and researchers in charge** Guido VAN STEENDAM, The IFB (BE); Juliet LODGE, University of Leeds (UK); Ruth CHADWICK & Paul McCARTY, University of Lancaster, Cesagen (UK); Stefano RODOTÀ & Gabriella BONACCHI, Fondazione Basso (IT)

**Registration mandatory** <http://www.cpdpconferences.org/registration.html>

Session organized as a series of short lectures (before the break), panel discussions and open discussions (after the break).

The discussion will be triggered by introductions on the following topics:

#### THE CHALLENGE OF AMBIENT INTELLIGENCE

The focus will be on identifying the challenges posed by a world characterized by Ambient Intelligence where existing privacy legislation and directives are obsolete and unable to keep pace with the changing implications of fast-moving ambient intelligence applications to everyday lives.

#### THE WEAKNESS OF THE ORIGINAL DEFENCE OF PRIVACY

The focus will be on exploring the weakness of the notion of privacy, even in a world without Ambient Intelligence and without computers. The notion as it is often defended today may have been operational in the context where it was launched, but has since then increasingly been denuded of meaning. If privacy is to be meaningful, it must be revisited and reinterpreted, otherwise it will become irrelevant, impossible to implement as a core European value, and devoid of effectiveness for the protection of individual and collective privacy and security.

#### EXAMPLES OF REGULATIONS

The focus will be on analyzing case studies of existing regulation, addressing the issues of privacy. Some examples will illustrate the problems linked to the weakness of the notion of privacy. Other examples will identify new legal structures and approaches that may show us the way to keep privacy regulations operational.

#### THE CASE OF ICT, PRIVACY AND SECURITY

The focus will be on the question of how ICTs using biometric techniques alter not just our understanding of identity but privatise accountability, alter and compromise our ability to maintain public responsibility and accountability, and demand that we critically assess the kind of society and values inherent in it that we are creating.

What are the implications for our understanding of the duty of government vis-à-vis citizens in sustaining individual and collective privacy and security?

What kind of a society are we creating? What values are challenged by ICTs?

# Thursday January 28<sup>th</sup> 2010

A series of linked privacy events will be organised on Thursday 28th of January 2010 throughout Brussels, with the Vrije Universiteit Brussel as a main or a co-organiser together with other civil society actors.

#### 14.30 EVENT • THINK PRIVACY! *(EU Parliament)*

##### THINK PRIVACY KIDS COMPETITION *(EU Parliament)* THINK PRIVACY KIDS PARLIAMENT AND POLITICAL DEBATE *(EU Parliament)*

**What?** Think Privacy events are part of a campaign to celebrate data protection day and promote privacy amongst young citizens.

**Who?** European Schoolnet, COFAS, Microsoft & Vrije Universiteit Brussel LSTS  
See <http://www.youtube.com/watch?v=r5Ojglaly9w> and <http://dpd.eun.org>

#### 20.20 EVENT • PECHA KUCHA NIGHT BRUSSELS *(Kaaitheater)* till 22.20

**What?** Pecha Kucha was conceived in 2003 by architects Astrid Klein and Mark Dytham for their nightclub Superdeluxe in Tokio as a platform for young designers. Each presenter is allowed 20 images, each shown for 20 seconds, giving 6 minutes 40 seconds of fame before the next presenter is up. This keeps presentations concise, the interest level up, and gives more people the opportunity to present their work or project. The Brussels format was launched by Alok Nandi (Archtempo) and VUB CROSSTALKS and is extended to scientific researchers, fashion designers, photographers, musicians and creative entrepreneurs. Speakers on January 28th will range from graphic design and photography to biotech, music, robots, coding and philosophy. Full list of speakers will be available on [www.cpdpconferences.org](http://www.cpdpconferences.org)

**Who?** Vrije Universiteit Brussel LSTS & Crosstalks with the support of Microsoft and Google

**Registration mandatory** <http://pechakucha.architempo.net>

#### AWARD CEREMONY • EUROPEAN CIVIL SOCIETY DATA PROTECTION PRIZE *(Kaaitheater)*

**What?** During the break of the Pecha Kucha event a prize will be awarded to a European NGO having contributed in an original way to European civil society resistance to wrong data protection policies or to strengthening the European climate of respect for privacy values. From January 15th on the selected NGOs will be presented at <http://deburen.eu/nl/thinking-europe>

**Who?** Association Européenne pour la défense des Droits de l'Homme (AEDH), European Digital Rights (EDRI) with the support of Vrije Universiteit Brussel LSTS & de Buren

#### 22.30 PRIVACY PARTY • IDENTITY STILL UNDER CONTROL? *(Botanique)*

**What?** This unique event will pay attention to the many possibilities, benefits, and risks of security measures and 'big brother' issues that may be present and may or may not be evident to the public eye. An audiovisual team and several camera's and computer-based tracking will make the party into a bold concept where members may be tracked and traced, and projected on-screen or otherwise come under scrutiny. This event will have a deeper look into privacy implications of modern technologies and present an original dubstep view of the Brussels nightlife experience.

**Who?** Ligue des droits de l'homme, Liga voor de rechten van de Mens, Vrije Universiteit Brussel LSTS & Je M'en Fish <http://www.jemenfish.be>

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