



FOCUS GROUP MEETING ON Privacy Enhancing Technologies

ORGANIZATOR

**CESAGEN—Centre for the Economic and Social aspects of
Genomics, United Kingdom**

DATE

16th October, 2009

PLACE

Regent's College Conference Centre,

Meeting Room A

London, UK

PARTICIPANTS

CSSC, IBG, ZUYD

Cesagen 2nd Focus Group on Privacy Enhancing Technologies

October 16th 2009, 9.45am – 3pm

Regent's College Conference Centre, Meeting Room A

Regent's Park, London NW1 4NS

United Kingdom

1st Session: Introduction and Presentations

9.45-10.00 Registration and Coffee / Tea

10.05-10.15 Introduction by Dr. Paul McCarthy

10.15-12.15 Presentations

10.15-10.40: Mr. Pete Bramhall (*Privacy & Identity Research, Hewlett-Packard Laboratories*)

10.40-11.05: Mr. Michele van der Veen (*Executive Officer of Priv-ID*)

11.05-11.30: Dr. Sotiris Ioannidis (*Institute of Computer Science, Foundation for Research and Technology - Hellas*)

11.30-11.55: Mr. Nicolas Delvaux (*The Turbine Project*)

11.55-12.15: Summarising presentations and identifying themes and issues for the roundtable discussion after lunch
(Dr. Paul McCarthy)

12.15-1pm Lunch

2nd Session: Round Panel focus group Discussion chaired by Prof. Ruth Chadwick

1.00-3.00pm

The panel will consist of speakers plus participants. A number of invited participants will complement the speakers as well as internal participants from Cesagen and members of the HIDE Consortium. The aim of the discussion will be to have an informal idea-generating discussion based on the presentations of the first session and the topics introduced in the ethical brief and summarised below.

Overview

The Homeland Identification and Technology Ethics project is a Co-ordination action promoted by the European Commission within the 7th Framework Programme. As part of the core activities of the project a series of technologically orientated focus groups are planned which explore significant issues in relation to the ethics of particular technologies. These 4 technological areas are technology convergence, outsourcing security, interoperability and Privacy Enhancing Technologies (PET). The activities on PETs are organised by Cesagen and this focus group is the second of 3 planned on exploring the issues that are involved. The ultimate objective of the work of the focus groups is to use the insights, data and discussions generated therein in aiding in the writing and presentation of an ethical brief on Privacy Enhancing Technologies that will serve as an informative and balanced appraisal for PETs for the European Commission, policy makers as well as the general public. An intermediate version of this brief has now been produced and attached with this agenda, the final two focus groups will serve as a means of refining this into a final version.

Background and Objectives

The first focus group on Privacy Enhancing Technologies was held in Manchester on May 30th, 2008. The result was an informative and lively discussion. The full minutes of the meeting can be accessed from the HIDE project website at

http://www.hideproject.org/downloads/HIDE_FG-Privacy_Report&Agenda_20080530.pdf

Following on from the focus group an intermediate draft of an ethical brief was prepared.

The overall structure in terms of thematic contents of the focus groups was planned during the HIDE project as being

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|------------------------------|---|
| 1 st Focus group: | An overview and introduction to PETs, |
| 2 nd Focus Group: | Examining specific and general technologies and approaches to implementation involved in PETs and |
| 3 rd Focus Group: | Examining the specific ethical aspects of PETs. |

While it is expected that each of the focus groups will overlap in term of the themes due to the nature of discussions the selection of presenters for each focus group have and will be centred on these aspects. The final two focus groups are also centered on responding to the intermediate version of the Ethical Brief on Privacy Enhancing Technologies with a view towards contributing to the final version of the Brief. Furthermore each focus group is guided by the objectives set out by the European Commission in relation to PETs which forms the main reference document for the work of the group within the HIDE project which is reflected in the Ethical Brief. The Ethical Brief provides a framework for considering the framework of the discussion to comprise the 2nd session of the focus group as well as responses to the presentations of the first session.

As noted, one element of the ethical brief is its analysis of the **legal context**, which itself is framed by the European Commission “Communication on Promoting Data Protection by Privacy Enhancing Technologies” (May 2007), and

international and European data protection legislation (OECD Guidelines and EU Directive 95/46/EC). A highlight of the ethical brief in its discussions on PETs is that due to the early stage of their conceptualization, and with the dynamic landscape of ICT, a variety of definitions of PETs is found in the literature, and it is reasonable to assume that these might further change over time: it is crucial to study and reflect on how these definitions may interact with the legal framework described above.

The ethical brief identifies and suggests that there are **two different technical approaches**, and the main ethical and social implications that might arise from the development and deployment of technologies within each approach:

- **1st approach: PETs as a means of allowing pseudo or anonymous interactions** In relation to this group of PETs, the critical issues are: the lack of trust given the anonymity of the interactive subjects, the possible exclusionary nature due to technological complexity, the possible threat related to data protection (data is still generated in many instances and reused for other purposes; another issue is the so called “technological arms race”), and the level of control given to final users.
- **2nd approach: PETs as a data minimization systems or devices** PETs within this category may be deployed without impacting on security related deployments, the amount of personal data collected on individuals is minimal, with consequently less risks, the emphasis on user control enhances trust and confidence in the system; however, their deployment strongly depends on decisions taken by data controllers dealing with the design and implementation of their systems.

A function of this focus group and the final one will be to discuss the validity of categorising approaches to PETs in this manner, whether it may be refined or altered, as well as adding to, if necessary, and exploring the ethical and social issues that have been identified with each approach and specific implementations highlighted in the ethical brief as examples.

With regards to the **European Commission’s Communication on PETs**, the work of the focus groups will be to analyze and discuss the technological approaches identified in the brief and the three objectives set out in the Communication. The main elements of the brief in terms of the wider context of the development and implementation of PETs were

- the deep tension between, on the one hand, the fact that modern societies are considered to be “surveillance” societies (in that they need to collect personal and organizational data to operate efficiently),
- the increased tolerance of surveillance and detection to ensure security; and, on the other hand, increased public awareness and concern over the use of security technologies and the collection of data, and
- the need to balance security and the ideals of liberty and privacy;

- the difficulty in outlining a universal definition of “privacy”, since the notion of personal/public space is subject to revisions as a result of technological and social developments: with the increasing development of ICT, the expansion of cyberspace, and the international data sharing,
- guaranteeing privacy whichever definition is used in regulation may become an increasingly difficult challenge;
- Considering the above, PETs could represent an important means of ensuring and enhancing particular rights of citizens, and serve as an example where privacy and security might coexist in a “positive sum” fashion.

These points should form critical points of consideration for discussion in the context of the technological presentations and their content in the second focus group. Importantly referring to the objectives of the Communication such reflections should be framed in terms of the

- **EC general approach towards PETs:** the European Commission considers that PETs, applied according to the existing regulatory framework, would “enhance the level of privacy and data protection in the Community”. It is however crucial to think if the sole “technical approach” of the document is sufficient, or if it may be important to develop and add other general criteria (for instance, ethical and social implications);

This should be considered in light of the specific objectives that are set out in the Communication and reflections on these objectives that have emerged in the writing of the intermediate version of the ethical brief, which are

- **1st objective - to support the development of PETs:** should this objective include also an action devoted to the description of some general rules related to PETs management?
- **2nd objective – to support the use of available PETs by data controllers, action 4.2.2 (ensuring respect of standards in the protection of personal data through PETs):** is the described strategy of standardization adequate, or may it be necessary to address also less technical and more “ethical” standards (considering the nature of the “privacy” concept, that might differentiate greatly from individual to individual)?;
- **3rd objective – to encourage consumers to use PETs:** is this consumer-oriented approach, based on individual decisions/possibilities, correct? Or may it be important to consider a “hard” approach, involving states in the process of guaranteeing the wider use of PETs

As such for this focus group Cesagen would seek that participants ground their discussions in relation to a number of points as summarised and detailed above, these should be to

1. Consider the definition employed in the ethical brief with respect of technological approaches to the implementation of PETs. Can this be refined? Is it suitable? What are further examples of specific PETs that may fit into the framework? Are there specific technological examples that prove to be exception to the categories outlined? What other relevant technological examples exemplify issues, approaches and reflect the objectives of the European Commission?
2. How do these approaches, and examples of each, interact with the position and objectives set out by the European Commission in its Communication on PETs?
3. How do these technological implementations and the objectives of the European Commission in respect of PETs interact with the key social and ethical issues identified in the ethical brief? Are there additional concerns to be included, how can the existing ones be further refined and clarified in relation to technological implementations, the legal context in the EU and the objectives set out for PETs within the European Commission's Communication on PETs.