



FOCUS GROUP MEETING ON Privacy Enhancing Technologies

ORGANIZATOR

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

DATE

14th May, 2010

PLACE

Regent's College Conference Centre,

Meeting Room E

London, UK

PARTICIPANTS

CSSC, IBG, ZUYD

Cesagen 2nd Focus Group on Privacy Enhancing Technologies

October 16th 2009, 9.00am – 4.30pm

Regent's College Conference Centre, Meeting Room E

Regent's Park, London NW1 4NS

United Kingdom

9.00-11.00 HIDE Board Meeting

1st Session: Introduction and Presentations

11.00-11.10 Registration and Coffee / Tea

11.10-11.15 Introduction by Dr. Paul McCarthy

11.15-13.15 Presentations

11.15-11.45: Prof. Ruth Chadwick (*Cardiff University*)

11.45-12.15: Prof Dr Mireille Hildebrandt (*Vrije University Brussels*)

12.15-12.45: Dr. Antoinette Rouvroy (*University of Namur*)

12.45-12.50: Summarising presentations and identifying themes and issues for the roundtable discussion after lunch
(Dr. Paul McCarthy)

12.50pm-1.30pm Lunch

2nd Session: Round Panel focus group Discussion chaired by Prof. Juliet Lodge

1.30-4.30pm

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. The aim will be to generate contributions for the final version of the ethical brief on Privacy Enhancing Technologies.

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 second focus group was held in London, October 16th 2009. The result was an informative and lively discussion within both focus groups related to the key issues identified both in the brief and as a result of on-going developments in the field of Privacy Enhancing Technologies reported on during the course of the focus groups. The full minutes of both meetings can be accessed from the HIDE project website at

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

and

http://www.hideproject.org/downloads/HIDE_FG-Privacy_Enhancing_Technologies-Minutes-20091016.pdf

The main purpose of the final focus group is to make contributions and recommendations of the final version of the ethical brief.

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 centred 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. The Ethical Brief provides a framework for considering the framework of the discussion to comprise the 2nd session of the focus group.

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. With the Lisbon treaty and the observation that it guarantees Privacy as a fundamental right it could be reasonably assumed that PETs will be seen as an increasingly important means of guaranteeing this right. Likewise the Madrid Privacy Declaration (a pronouncement issued by over 100 data protection authorities and privacy related organisations) recommends

‘comprehensive research into the adequacy of techniques that deidentify; data to determine whether in practice such methods safeguard privacy and anonymity;’

It is clear from these developments which have occurred during the course of the project that there are significant points to be addressed in terms of the ethical, legal and social issues involved in PETs.

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.

During the course of the second focus group it was suggested that these approaches may not capture all of the potential technical developments and that further refinements could be achieved. We hope to continue this discussion in the final focus group.

With regards to the **European Commission's Communication on PETs**, the work of the focus groups has been 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.
- 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);

These points were discussed in the second focus group and it is anticipated that the final focus group discussion will aim to continue in thinking on these in making contributions to the final version of the brief. Some of the key points which emerged in the second focus group were,

- The difference potentially between *information security* and *privacy*.
- The differences in adoption of PETs potentially which might occur between governmental and commercial actors. While sanctions could be applied to companies by citizens, if said companies were

seen to be privacy threatening, governments as the sole provider of services for citizens might be less amenable to this kind of pressure.

- The need for continued dialog on the meanings of Privacy and how relationships between citizens, technologies, governments could be altered and changed.
- The possibility that debates on Privacy may be superseded by societal changes in how data, devices and so on are viewed and used by individuals.

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. What might be the main ethical, social and legal issues that flow from these approaches and the types of technologies characterising each approach?
2. In regards to the European Commission’s objectives, what ethical, social and legal considerations could be made in respect of them? Are there particular issues that are not addressed by the Commission’s objectives and documents that the Ethical brief should aim to highlight?
3. What specific changes and alterations can be made to the intermediate version of the brief? Both to capture ongoing developments related to Privacy and reflect the particular ethical, legal and social concerns raised during focus group discussions and presentations.