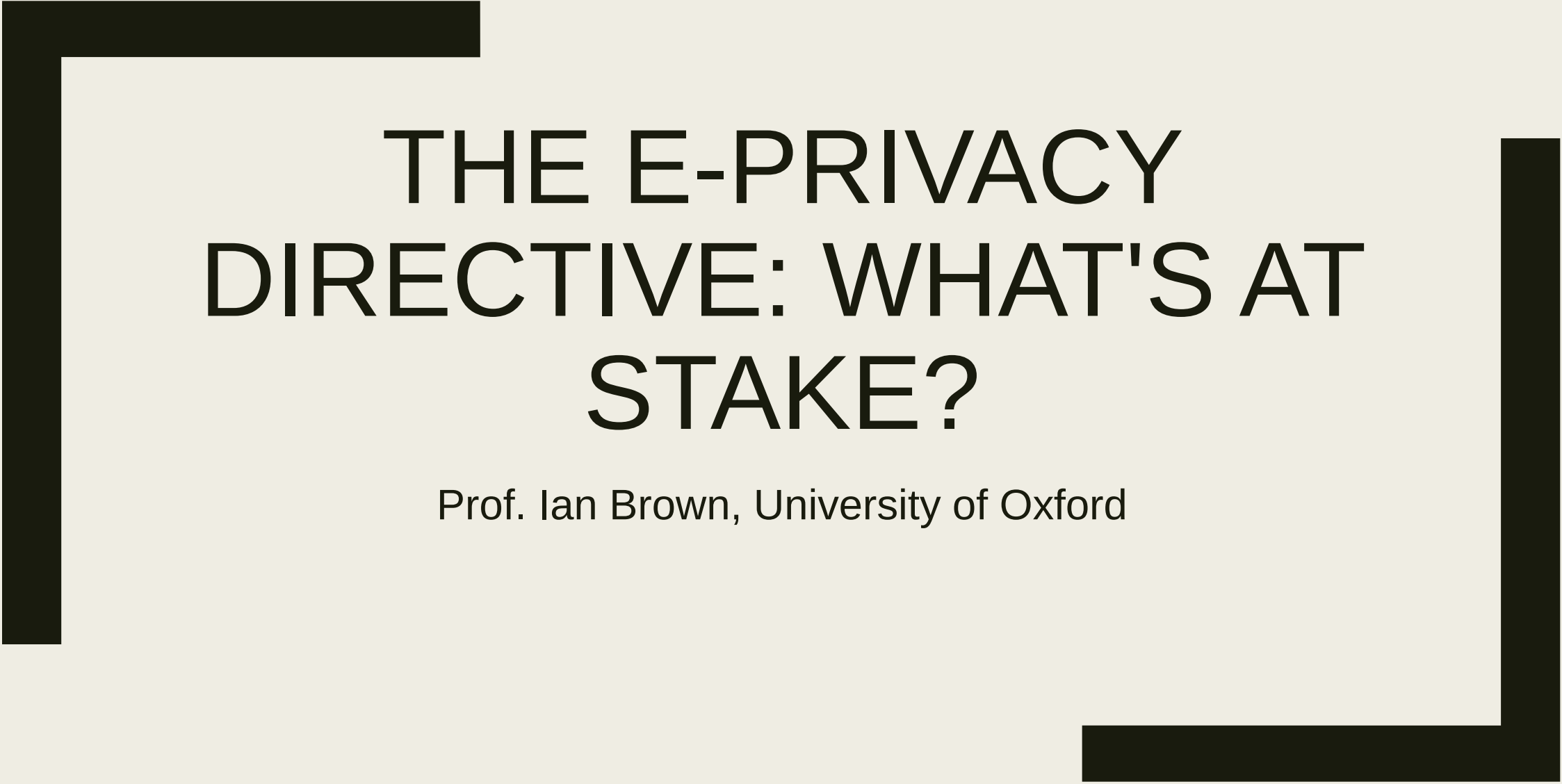


A thick black L-shaped frame is positioned around the text. It starts at the top left, goes right, then down, then right again, forming a partial rectangular border around the central text.

THE E-PRIVACY DIRECTIVE: WHAT'S AT STAKE?

Prof. Ian Brown, University of Oxford

Directive 2002/58/EC

- "(2) This Directive seeks to respect the fundamental rights and observes the principles recognised in particular by the Charter of fundamental rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights set out in Articles 7 and 8 of that Charter.
- "(3) Confidentiality of communications is guaranteed in accordance with the international instruments relating to human rights, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the constitutions of the Member States.
- "(4)...Directive 97/66/EC has to be adapted to developments in the markets and technologies for electronic communications services in order to provide an equal level of protection of personal data and privacy for users of publicly available electronic communications services, regardless of the technologies used.

DEMATERIALIZATION: Using less to produce more

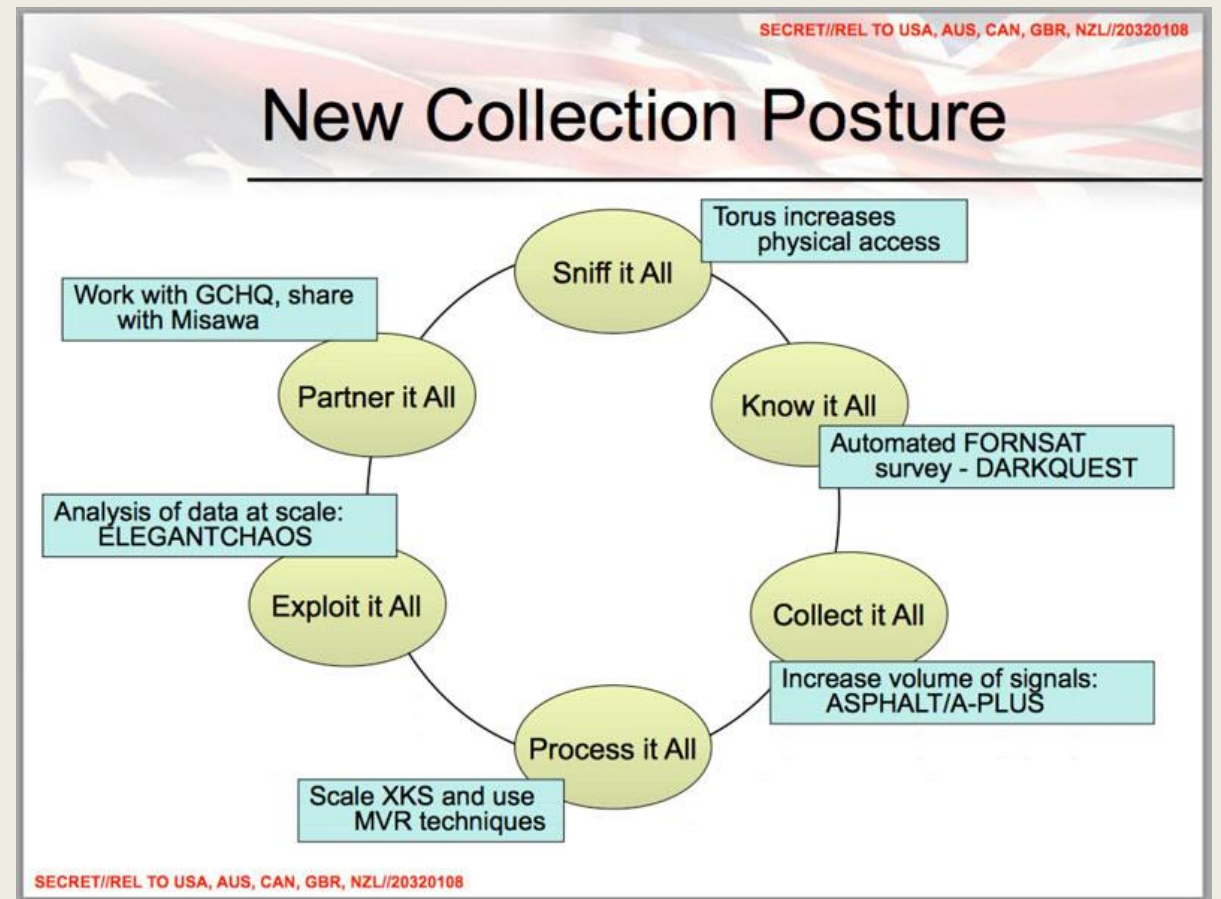


MOBILE LUMAscape



Location and traffic data

- “Metadata absolutely tells you everything about somebody’s life. If you have enough metadata, you don’t really need content.” – Stewart Baker
- “We kill people based on metadata.” –Gen. Michael Hayden



ePD reform process

- LIBE: Finding consensus among stakeholders as to articles that are completely superseded by GDPR – data breaches; location (?)
- GDPR "interpretation" by EDPB
- Remaining articles in a Regulation?

Conclusions



- Charter rights – most of Titles II and III
- Particularising Privacy by Design and Default - GDPR Art 70 and IPEN
 - *Brown, I. (2014). Keeping Our Secrets? Designing Internet Technologies for the Public Good. European Human Rights Law Review, 4, 368-377.*
- Enforcement cooperation – competition, consumers, health, policing, FRA...
 - *Brown, I. and Marsden, C. (2013) Regulating Code: Good Governance and Better Regulation in the Information Age. Cambridge, MA: MIT Press.*
- Archiving and research exemptions – Caribbean national archives and NHS
 - *Brown, I., Brown, L. and Korff, D. (2010) Using NHS patient data for*