



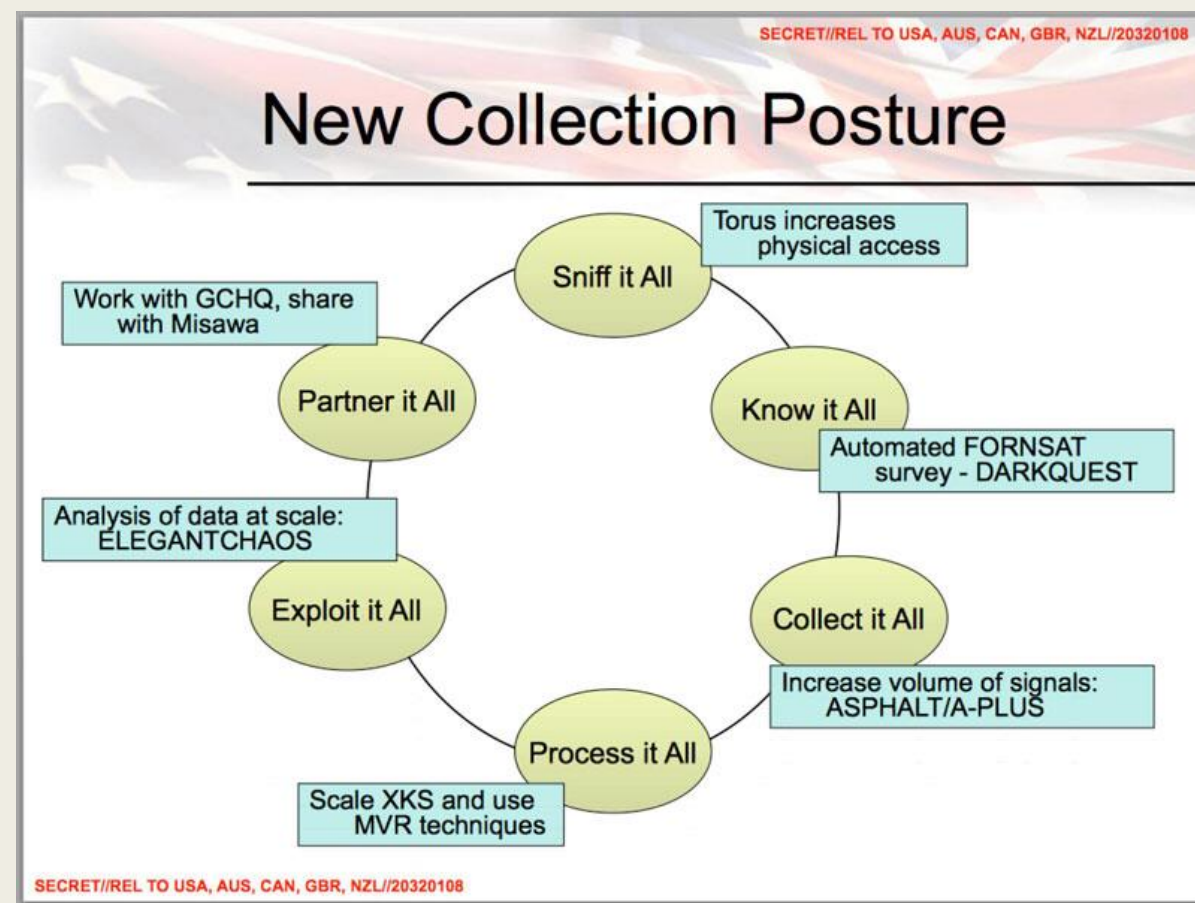
THE E-PRIVACY DIRECTIVE: WHAT'S AT STAKE?

Prof. Ian Brown, University of Oxford



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- LIBE: Finding consensus among stakeholders as to articles that are completely superseded by GDPR – data breaches; location (?)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*