



*Giovanni Buttarelli, Keynote Speech at
Belgian Senate Conference - Issues of citizens' privacy and data protection in relation to new
technologies*

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(via a video)

Distinguished members of the Senate, ladies and gentlemen, a very warm thank you to Madame Présidente du Sénat, Christine DEFRAIGNE, for her generous invitation to speak to you today.

At the EDPS, we have the privilege of interacting with policymakers from all over Europe and from outside Europe too. Culture and politics vary greatly. But let me assure you that, in our experience, Belgium understands the importance of privacy.

First, Belgium understands the importance of privacy because it has for the first time in its history appointed a member of its government to be specifically in charge of privacy and data protection.

In doing so, Belgium may be the first ever EU Member State to do this.

I had the pleasure to meet Mr DE BACKER recently and we had a full meeting of minds on the big challenges facing our digital society. I am confident we will have soon other opportunities for further exchanges, including on how -properly, effectively and in a timely fashion - to implement the new European data protection legal framework.

Second, Belgium understands the importance of privacy because of its extensive experience with e-Government, notably electronic ID, automatic exchange of social security information, e-Health and tax-on-web.

Belgium is in many respects an “E-country”. It is actively investing in electronic public services, and its various sectorial committees act as a guarantee for citizens against abusive intrusion into their privacy.

Finally, Belgium understands privacy because it intervenes to protect individuals using digital technologies.

The Belgian Privacy Commission is among the most active Data Protection authorities in the Article 29 Working Party at the EU level.

And it is not afraid to take on the biggest companies in the world when it considers that individuals' rights have been compromised, as demonstrated by the recent Facebook case.

I have been in the business of regulating personal data processing for over 20 years.

And for most of that time data protection has been treated as a technical abstraction on the margins of political discourse.

I am certain that the new General Data Protection Regulation, and the Directive on data protection in the law enforcement and criminal justice sectors, provide efficient answers to the challenge raised by big data and other personal data driven technologies.

However, the law has its limitations. Let's be honest:

- neither the 1995 Directive, nor the new GDPR will prevent surveillance becoming the internet's prevailing business model;
- and the law will never be able to keep pace with evolving technologies.

This is why I am interested in the ethical dimension of the law in this area.

In September 2015 I issued an Opinion on Digital Ethics, which highlighted to centrality of human dignity for the question of how to shape emerging technologies like artificial intelligence, smart homes and connected cars.

We launched in December 2015 an ethics advisory group to "explore the relationships between human rights, technology, markets and business models in the 21st century from an ethical perspective, with particular attention to the implications for the rights to privacy and data protection in the digital environment".

Ethics, the idea that something is right or wrong, is more universal than the typically western notions of privacy and data protection.

Ethics both informs the laws which are passed, and goes beyond them.

Ethics raises many questions:

- Is it possible that a company processing information complies with the letter of the law, yet behaves unethically?
- How can such a question be analysed?
- Are regulators capable of analysing such a question?

For me, big data is a perfect illustration of these questions.

Big data is a phenomenon whereby vast data sets from various sources are combined and analysed using powerful computers to draw inferences about human behaviour and to influence it.

Big data is just a very good example of how personal data is driving technologies and practices in the marketplace and public sphere.

AI, virtual reality and robotics are on the horizon and will be an everyday reality in a few years.

These technologies raise profound questions not only about human rights, but also about what it is to be human.

We need innovative thinking and to explore the ethical dimensions of our digital society.

It is true that big data may deliver significant benefits for the society.

But the question is who benefits from this progress? Society at large? Or just a few individuals?

All data processing potentially affects privacy. In a big data environment, innocent information from various sources can be combined and can deliver precise pictures of the behaviour of individuals.

Personal data on individual behaviour have now become an important economic asset and commodity.

In my opinion on digital ethics, I outlined four main lines of such an ethical approach.

First, privacy and data protection are important instruments to protect human dignity.

Privacy and data protection are enshrined in the EU Treaties and in the EU Charter of Fundamental Rights.

They enable individuals to develop their own personalities, to lead independent lives, to innovate and to exercise other rights and freedoms.

They need to be translated as guiding principles for the internet.

Second, technology should not dictate our values and rights. We should consider the impact of trends in a data-driven society on dignity, individual freedom and the functioning of democracy.

Third, as I have just said, in today's digital environment adherence to the law is not enough; we have to consider the ethical dimension of data processing.

Fourth, big data has engineering, philosophical, legal and moral implications. These implications should be part of our reflection on the digital society.

The EDPS Ethics Advisory Group is working intensely this year. It is looking at classical approaches to regulation of personal data processing and testing them against the cutting edge technologies I have mentioned.

The group is considering some fundamental questions.

Firstly: What does privacy mean in a society characterised by massive data sharing? As we all know, views on privacy are changing, if only because many people share a lot of personal information on social networks.

But not all people wish to share personal information and the people that are active on social networks are selective in the information they do share.

So we need to revise our notion of privacy against this backdrop.

Secondly: To what extent should ethical considerations influence the development of new technologies? For me, there is no dichotomy between ethics and innovation. Rather, ethical considerations should determine the direction of innovation.

If we, from the start, build in an ethical assessment in the development of new significant innovations, we would not only encourage progress, but also ensure a society which is built on human values.

Thirdly, is ethics an alternative to the law or complementary to the law?

I am convinced that responsible organisations should be driven by ethical considerations.

As I already said, for me it is not enough for companies just to comply with legal requirements.

Distinguished members of the Senate, ladies and gentlemen, technology is not value neutral.

Technology is the result of human ingenuity and of the prevailing value system of such human engineers.

Unfortunately, the Internet which has emerged was dominated by brilliant scientists and technicians who did not necessarily understand or reflect on fundamental values like human dignity, privacy and freedom of expression.

Our ethics group aims to change that, by bringing together legal experts and engineers.

I hope that this will make a contribution to the long term sustainability and competitiveness of the digital single market in the EU.

I will end this message with this challenge, opening -I hope- the scene for discussions.

I am very sorry not to be with you in person today, because I know that you will have an enriching and informed discussion.

Because Belgium understands privacy, as I have explained.

I wish you an excellent afternoon and a fruitful conference. And I hope to have an opportunity in the future to be with you again.