

W3C Workshop on Privacy and Linked Data Data Privacy Controls and Vocabularies Vienna

David Watts, Professor of Information Law and Policy Pompeu Casanovas, Research Professor of Law and Technology

La Trobe School of Law, College of Arts and Business 16 April 2018

latrobe.edu.au CRICOS Provider 00115M

The Model

- Internet has become a surveillance domain
- Enabled by vast collecting, sharing and analysis of personal information
- It looks 'free' but its not: personal information is the currency that pays for 'free' services
- Monetisation of the internet the advertising business model drives the misuse of personal informationm
- Internet services designed as an addiction: social engineering and persuasive design
- Failures of core regulatory concepts consent, purpose, anonymity, 'reasonable steps,' security, contractual terms

Consequences

- Covert manipulation of attitudes and opinions
- Threats to democracy
- 'Free flow of information' de-legitimizes public interest in proportionate and necessary regulation
- Uncontrolled abuse of monopoly power
- Unaccountable, non-transparent use of information power

Saying one thing, doing another

- We say that privacy is important but act as if it isn't.
 Why?
- Lack of knowledge?
- Information for ads seems an acceptable trade-off?
- It looks benign?
- Convenience?
- Law as obstacle?

How can linked data support regulatory policy in the public interest?

- We cannot do it directly: we need to "anchor" privacy and data regulations into institutions ("anchoring institutions") to create a sustainable identity legal ecosystem
- There is a need for "hybrid" regulatory models able to handle rights and duties from both sides (machine/human interaction)
- However... law and normative models are not enough to cope with risks to privacy
- We also need responsible AI, and flexible standards

What next? Where to from here?

- "Transparent Personal Data Processing" entails personalization, empowering end-users.... and this entails empowering citizens and community-based institutions (fostering e.g. collective decisions, reasoning, and argumentation)
- Thus, democracy from the grassroots: linked democracy, democracy through linked data
- (Very likely) this is changing the concept of power, jurisdictions, and "national state law" inherited from the 20. c.

Thank you

latrobe.edu.au CRICOS Provider 00115M