

# REGULATING PRIVACY

Data Protection  
and Public Policy  
in Europe and  
the United States

Colin J. Bennett

# Regulating Privacy Data Protection And Public Policy In Europe And The United States

**Colin J. Bennett**



## **Regulating Privacy Data Protection And Public Policy In Europe And The United States:**

**Regulating Privacy** Colin J. Bennett, 1992 The information revolution has brought with it the technology for easily collecting personal information about individuals a facility that inherently threatens personal privacy Colin J Bennett here examines political responses to the data protection issue in four Western democracies comparing legislation that the United States Britain West Germany and Sweden forged from the late 1960 s to the 1980 s to protect citizens from unwanted computer dissemination of personal information Drawing on an extensive body of interviews and documentary evidence Bennett considers how the four countries each with different cultural traditions and institutions formulated fair information policy He finds that their computer regulatory laws are based on strikingly similar statutory principles but that enforcement of these principles varies considerably the United States relies on citizen initiative and judicial enforcement Britain uses a registration system Germany has installed an ombudsman and Sweden employs a licensing system Tracing the impact of key social political and technological factors on the ways different political systems have controlled the collection and communication of information Bennett also deepens our understanding of policymaking theory *Regulating Privacy* will be welcomed by political sciences especially those working in comparative public policy American politics organization theory and technology and politics political economists information systems analysts and others concerned with issues of privacy

EU Personal Data Protection in Policy and Practice Bart Custers, Alan M. Sears, Francien Dechesne, Ilina Georgieva, Tommaso Tani, Simone van der Hof, 2019-02-28 In this book the protection of personal data is compared for eight EU member states namely France Germany the United Kingdom Ireland Romania Italy Sweden and the Netherlands The comparison of the countries is focused on government policies for the protection of personal data the applicable laws and regulations implementation of those laws and regulations and supervision and enforcement Although the General Data Protection Regulation GDPR harmonizes the protection of personal data across the EU as of May 2018 its open norms in combination with cultural differences between countries result in differences in the practical implementation interpretation and enforcement of personal data protection With its focus on data protection law in practice this book provides in depth insights into how different countries deal with data protection issues The knowledge and best practices from these countries provide highly relevant material for legal professionals data protection officers policymakers data protection authorities and academics across Europe Bart Custers is Associate Professor and Director of Research at the Center for Law and Digital Technologies of the Leiden Law School at Leiden University the Netherlands Alan M Sears Francien Dechesne Ilina Georgieva and Tommaso Tani are all affiliated to that same organization of which Professor Simone van der Hof is the General Director

**Consent in European Data Protection Law** Eleni Kosta, 2013-03-21 Today consent is a fundamental concept in the European legal framework on data protection The analysis of the historical and theoretical context carried out in this book reveals that consent was not an intrinsic notion in the birth of data protection The concept of consent was included in

data protection legislation in order to enhance the role of the data subject in the data protection arena and to allow the data subject to have more control over the collection and processing of his/her personal information. This book examines the concept of consent and its requirements in the Data Protection Directive taking into account contemporary considerations on bioethics and medical ethics as well as recent developments in the framework of the review of the Directive. It further studies issues of consent in electronic communications carrying out an analysis of the consent-related provisions of the ePrivacy Directive.

**European Data Protection: In Good Health?** Serge Gutwirth, Ronald Leenes, Paul de Hert, Yves Poullet, 2012-02-23. Although Europe has a significant legal data protection framework built up around EU Directive 95/46/EC and the Charter of Fundamental Rights, the question of whether data protection and its legal framework are in good health is increasingly being posed. Advanced technologies raise fundamental issues regarding key concepts of data protection. Falling storage prices, increasing chips performance, the fact that technology is becoming increasingly embedded and ubiquitous, the convergence of technologies and other technological developments are broadening the scope and possibilities of applications rapidly. Society, however, is also changing, affecting the privacy and data protection landscape. The demand for free services, security, convenience, governance, etc., changes the mindsets of all the stakeholders involved. Privacy is being proclaimed dead or at least worthy of dying by the captains of industry. Governments and policy makers are having to manoeuvre between competing and incompatible aims, and citizens and customers are considered to be indifferent. In the year in which the plans for the revision of the Data Protection Directive will be revealed, the current volume brings together a number of chapters highlighting issues, describing and discussing practices, and offering conceptual analysis of core concepts within the domain of privacy and data protection. The book's first part focuses on surveillance, profiling and prediction; the second on regulation, enforcement and security; and the third on some of the fundamental concepts in the area of privacy and data protection. Reading the various chapters, it appears that the patient needs to be cured of quite some weak spots, illnesses and malformations. European data protection is at a turning point and the new challenges are not only accentuating the existing flaws and the anticipated difficulties but also, more positively, the merits and the need for strong and accurate data protection practices and rules in Europe and elsewhere.

*The Oxford Handbook of Governance* David Levi-Faur, 2012-03-29. The Oxford Handbook of Governance presents an authoritative and accessible state-of-the-art analysis of the social science literature on governance. The volume presents the core concepts and knowledge that have evolved in the study of governance in different levels and arenas of politics and policymaking. In doing so, it establishes itself as the essential point of reference for all those studying politics, society and economics from a governance perspective. The volume comprises fifty-two chapters from leaders in the field. The chapters are organized in nine sections dealing with topics that include governance as the reform of the state, democratic governance, European governance and global governance.

**Private Regulation and Enforcement in the EU** Madeleine de Cock Buning, Linda Senden, 2020-06-25. Globalisation and technological innovation

have been fuelling the need for increasing levels of trust in private actors such as companies or special interest groups to regulate and enforce significant aspects of people's daily lives from environmental and social protection to the areas of food safety advertising and financial markets This book investigates the trust vested in private actors from the perspective of European citizens It answers the question of whether private actors live up to citizens' expectations or whether more should be done as to the safeguarding of citizens' interests Several cross-cutting studies explore how private regulation and enforcement are embedded in EU law The book offers an innovative approach to private regulation and enforcement by focusing on the specific EU context which unlike the national and transnational ones has not yet been widely explored This context merits a stand-alone analysis because of the unique normative framework of the EU as a particular polity itself but also in relation to its Member States With an overall analysis of the main aspects of private regulation and enforcement across different policy fields of the EU the book adds a missing tile to the mosaic of public-private governance studies

**Handbook of Regulatory Authorities** Maggetti, Martino, Di Mascio, Fabrizio, Natalini, Alessandro, 2022-08-12

Featuring a comprehensive analytical collection of interdisciplinary research on regulatory authorities this innovative Handbook combines contributions from leading scholars and regulatory practitioners to present the fundamental theoretical concepts empirical achievements and challenges in the contemporary study of regulatory authorities

**Handbook on the Politics of Regulation** David Levi-Faur, 2011-01-01 Political science has leapfrogged law economics and sociology to become the dominant discipline contributing to regulatory studies David Levi-Faur's volume taps the rich veins of regulatory scholarship that have made this the case It brings together the talented new network of politics scholars intrigued by the importance of the changing nature of state and non-state regulation Their fresh insights complement important new work by established stars of the field Definitely a book to have on your shelf when in search of exciting theoretical approaches to politics John Braithwaite Australian National University Regulation in its manifold forms is the central process of contemporary governance as it seeks to blend the dynamism of market economies with responsiveness to political and normative demands for health safety environmental protection and fairness Understanding regulation's varieties vulnerabilities and virtues has become a significant focus of academic research and theory This volume provides an extraordinary survey of research in that field a survey remarkable in its comprehensiveness outstanding in the quality of the contributions by leading regulatory scholars from different nations and academic disciplines Robert A Kagan University of California Berkeley US An authoritative collection by a range of contributors with outstanding reputations in the field Michael Moran WJM Mackenzie Professor of Government This is an extraordinarily useful one-stop shop for a wide range of traditions and approaches to the political aspects of regulation David Levi-Faur has assembled a fine collection that by reporting on the state of the art also shows the way ahead for a discipline that has to capture and explain dramatic changes in real-world regulatory philosophies and policies Claudio Radaelli University of Exeter UK This is an unusually impressive

edited volume Its contributors include the leading academic experts on government regulation from around the world Its several clearly written and informative essays address the most important topics issues and debates that have engaged students of regulatory politics I strongly recommend this volume to anyone interested in understanding the breadth and depth of contemporary scholarship on the political dimensions of regulation David Vogel University of California Berkeley US This unique Handbook offers the most up to date and comprehensive state of the art reviews of the politics of regulation It presents and discusses the core theories and concepts of regulation in response to the rise of the regulatory state and regulatory capitalism and in the context of the golden age of regulation Its ten sections include forty nine chapters covering issues as diverse and varied as theories of regulation historical perspectives on regulation regulation of old and new media risk regulation enforcement and compliance better regulation civil regulation European regulatory governance and global regulation As a whole it provides an essential point of reference for all those working on the political social and economic aspects of regulation This comprehensive resource will be of immense value to scholars and policymakers in numerous fields and disciplines including political science public policy and administration international relations regulation international law business and politics European studies regional studies and development studies *Data Protection and Privacy, Volume 15* Hideyuki Matsumi,Dara Hallinan,Diana Dimitrova,Eleni Kosta,Paul De Hert,2023-05-04 This book offers conceptual analyses highlights issues proposes solutions and discusses practices regarding privacy and data protection in transitional times It is one of the results of the 15th annual International Conference on Computers Privacy and Data Protection CPDP which was held in Brussels in May 2022 We are in a time of transition Artificial Intelligence is making significant breakthroughs in how humans use data and information and is changing our lives in virtually all aspects The pandemic has pushed society to adopt changes in how when why and the media through which we interact A new generation of European digital regulations such as the AI Act Digital Services Act Digital Markets Act Data Governance Act and Data Act is on the horizon This raises difficult questions as to which rights we should have the degree to which these rights should be balanced against other poignant social interests and how these rights should be enforced in light of the fluidity and uncertainty of circumstances The book covers a range of topics including data protection risks in European retail banks data protection privacy legislation and litigation in China synthetic data generation as a privacy preserving technique for the training of machine learning models effectiveness of privacy consent dialogues legal analysis of the role of individuals in data protection law and the role of data subject rights in the platform economy This interdisciplinary book has been written at a time when the scale and impact of data processing on society on individuals as well as on social systems is becoming ever more important It discusses open issues as well as daring and prospective approaches and is an insightful resource for readers with an interest in computers privacy and data protection **Transatlantic Regulation** Susanne Lütz,2016-03-16 The European and American economies are closely interlinked as mutually important investment and trading partners The growing intensity of economic

interdependence has spurred the transatlantic coordination of rules and standards that can lead to the formation of non tariff barriers to transatlantic commerce But despite impressive government to government efforts to eliminate market barriers the E U and the U S have frequently clashed over each other s regulatory policies The aim of this book is to explore the domestic sources of cooperation or conflict in transatlantic regulation The book analyses the role of domestic factors through three theoretical lenses that are well established in the study of multilevel systems the principal agent approach the two level game metaphor and through a wider concept of institutionalism which emphasises the links between societal interests and regulatory ideas with institutional frameworks The book states that domestic factors embody more obstacles than opportunities for horizontal coordination It is argued that transatlantic relations will likely undergo a double movement of being simultaneously shifted upwards to become part of the global governance architecture and downwards towards broader involvement of legislators in regulatory matters Hence transatlantic regulation might in the near future be shaped more by political leaders rent seeking interest groups and legislators than by networks of technocrats This book was published as a special issue of the Review of International Political Economy

**International Encyclopedia of Public Policy and Administration Volume 2** Jay M. Shafritz,2019-03-22 This encyclopedia includes entries on the concepts issues and theories starting with alphabets D to K that define public policymaking evaluation management and implementation It also includes entries on the individuals commissions and organizations that have contributed to these fields **The Governance of Privacy** Colin J. Bennett,Charles D. Raab,2017-11-01 This book was published in 2003 This book offers a broad and incisive analysis of the governance of privacy protection with regard to personal information in contemporary advanced industrial states Based on research across many countries it discusses the goals of privacy protection policy and the changing discourse surrounding the privacy issue concerning risk trust and social values It analyzes at length the contemporary policy instruments that together comprise the inventory of possible solutions to the problem of privacy protection It argues that privacy protection depends upon an integration of these instruments but that any country s efforts are inescapably linked with the actions of others that operate outside its borders The book concludes that in a globalizing world this regulatory interdependence could lead either to a search for the highest possible standard of privacy protection or to competitive deregulation or to a more complex outcome reflecting the nature of the issue and its policy responses **Information**

**Assurance and Security Ethics in Complex Systems: Interdisciplinary Perspectives** Dark, Melissa Jane,2010-08-31 Information Assurance and Security Ethics in Complex Systems Interdisciplinary Perspectives offers insight into social and ethical challenges presented by modern technology Aimed at students and practitioners in the rapidly growing field of information assurance and security this book address issues of privacy access safety liability and reliability in a manner that asks readers to think about how the social context is shaping technology and how technology is shaping social context and in so doing to rethink conceptual boundaries **Digital Borders and Real Rights** Evelien Brouwer,2008-06-30 Since its

launch in 1995 the majority of personal data held in the Schengen Information System SIS concerns third country nationals to be refused entry to the Schengen territory This study reveals why the use of the SIS and the second generation SIS or SIS II entails a risk to the protection of human rights such as the right to privacy and the right to data protection but also the freedom of movement of persons and the principle of non discrimination This study describes the implementation of the SIS in respectively France Germany and the Netherlands and the available legal remedies in both data protection and immigration law On the basis of three general principles of European law minimum standards are developed for effective remedies for individuals registered in the SIS but also other databases such as Eurodac or the Visa Information System

Privacy and Border Controls in the Fight against Terrorism Elif Mendos Kuşkonmaz, 2021-03-15 This book offers a legal analysis of sharing of passenger data from the EU to the US in light of the EU legal framework protecting individuals privacy and personal data It aims to situate this analysis with respect to the ever growing policies of Global North countries to introduce pre screening procedures in border control proceedings for the purpose of the fight against terrorism By tracing the literature on the in securitisation and as such depoliticization of border controls through technology led interventions it explores the multiplicity of purposes that passenger data sharing entail and considers the question on the limitability of fundamental rights depending on its purpose

**Making History** Sophie Meunier, Kathleen R. McNamara, 2007 The contributors to this volume all leading specialists in the field of EU studies examine the trajectory of the EU and draw on the theoretical tools of historical institutionalism to assess the central political challenges facing the EU

Privacy David Vincent, 2016-02-29 Privacy A Short History provides a vital historical account of an increasingly stressed sphere of human interaction At a time when the death of privacy is widely proclaimed distinguished historian David Vincent describes the evolution of the concept and practice of privacy from the Middle Ages to the present controversy over digital communication and state surveillance provoked by the revelations of Edward Snowden Deploying a range of vivid primary material he discusses the management of private information in the context of housing outdoor spaces religious observance reading diaries and autobiographies correspondence neighbours gossip surveillance the public sphere and the state Key developments such as the nineteenth century celebration of the enclosed and intimate middle class household are placed in the context of long term development The book surveys and challenges the main currents in the extensive secondary literature on the subject It seeks to strike a new balance between the built environment and world beyond the threshold between written and face to face communication between anonymity and familiarity in towns and cities between religion and secular meditation between the state and the private sphere and above all between intimacy and individualism Ranging from the fourteenth century to the twenty first this book shows that the history of privacy has been an arena of contested choices and not simply a progression towards a settled ideal Privacy A Short History will be of interest to students and scholars of history and all those interested in this topical subject

**The Foundations and Future of Public Law** Elizabeth Fisher, Jeff



King, Alison Young, 2020-01-30 Public law in the UK and EU has undergone seismic changes over the last forty years development and membership of the EU the Human Rights Act devolution the fostering of public law expertise within the judiciary the globalization of public law and the increased interaction between the academy judiciary barristers public interest groups and legislatures have transformed the public law landscape Commentators spend much time at the frontiers of the subject responding rapidly to new developments and providing guidance to scholars legislators and judges for future directions In these circumstances there is rarely a chance to reflect upon the implications of these changes for the fundamentals of public law and how those fundamentals relate to one another In this collection leading figures in UK and EU public law address this lacuna Inspired by the depth scope and ambition of the work of Paul Craig Professor of English Law at Oxford University the focus of this collection is upon exploring and reflecting upon six fundamentals of public law and the interrelationship between them legislation case law theory institutions process and constitutions [A Threat Against Europe?](#) J. Peter Burgess, 2011 The concept of security has traditionally referred to the status of sovereign states in a closed international system In this system the state is assumed to be both the object of security and the primary provider of security Threats to the state's security are understood as threats to its political autonomy in the system The major international institutions that emerged after the Second World War were built around this idea When the founders of the United Nations spoke of collective security they were referring primarily to state security and to the coordinated system that would be necessary in order to avoid the scourge of war But today a wide range of security threats both new and traditional confront Europe or at least as some would say [Stanford Law Review: Volume 63, Issue 2 - January 2011](#) Stanford Law Review, 2011-02-24 One of the most read law journals adds a true ebook edition to its worldwide distribution becoming the first general interest law review to do so This current issue of the Stanford Law Review contains studies of law economics and social policy by such recognized scholars as Kenneth Bamberger Deirdre Mulligan Judge Richard Posner Albert Yoon Cynthia Estland and Norman Spaulding Volume 63 Issue 2's contents are Privacy on the Books and on the Ground by Kenneth A Bamberger the original note numbering is retained and the issue is properly formatted

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### **Regulating Privacy Data Protection And Public Policy In Europe And The United States Introduction**

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