

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

Stanford Law Review



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 *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

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

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

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 **Beyond Data** Alessandro Mantelero, 2022-06-08 This open access book focuses on the impact of Artificial Intelligence AI on individuals and society from a legal perspective providing a comprehensive risk based methodological framework to address it Building on the limitations of data protection in dealing with the challenges of AI the author proposes an integrated approach to risk assessment that focuses on human rights and encompasses contextual social and ethical values The core of the analysis concerns the assessment methodology and the role of experts in steering the design of AI products and services by business and public bodies in the direction of human rights and societal values Taking into account the ongoing debate on AI regulation the proposed assessment model also bridges the gap between risk based provisions and their real world implementation The central focus of the book on human rights and societal values in AI and the proposed solutions will make it of interest to legal scholars AI developers and providers policy makers and regulators Alessandro Mantelero is Associate Professor of Private Law and Law Technology in the Department of Management and Production Engineering at the Politecnico di Torino in Turin Italy

Who Goes There? National Research Council, Division on Engineering and Physical Sciences, Computer Science and Telecommunications Board, Committee on Authentication Technologies and Their Privacy Implications, 2003-10-22 Who Goes There Authentication Through the Lens of Privacy explores authentication technologies passwords PKI biometrics etc and their implications for the privacy of the individuals being authenticated As authentication becomes ever more ubiquitous understanding its interplay with privacy is vital The report examines numerous concepts including authentication authorization identification privacy and security It provides a framework to guide thinking about these issues when deciding whether and how to use authentication in a particular context The book explains how privacy is affected by system design decisions It also describes government's unique role in authentication and what this means for how government can use authentication with minimal invasions of privacy In addition Who Goes There outlines usability and security considerations and provides a primer on privacy law and policy

Privacy, Confidentiality, and Health Research William W. Lowrance, 2012-06-21 The potential of the e health revolution increased data sharing database linking biobanks and new techniques such as geolocation and genomics to advance human health is immense For the full potential to be realized though privacy and confidentiality will have to be dealt with carefully Problematically many conventional approaches to such pivotal matters as consent identifiability and safeguarding and security are inadequate In many places research is impeded by an overgrown thicket of laws regulations guidance and governance The challenges are being heightened by the increasing use of biospecimens and by the globalization of research in a world that has not globalized privacy protection Drawing on examples from many developed countries and legal jurisdictions the book critiques the issues

summarizes various ethics policy and legal positions and revisions underway describes innovative solutions provides extensive references and suggests ways forward

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

Creditworthiness and 'Responsible Credit' Noah Vardi, 2022-09-12 Responsible credit is a policy much discussed by legislators and stakeholders especially in the aftermath of the global financial crisis of 2007-2008 Creditworthiness and Responsible Credit questions how this policy currently finds implementation in EU and US law and the principal instruments used for this scope including the duty of creditworthiness assessment of borrowers Noah Vardi analyzes the fundamental and often overlooked notion of creditworthiness from a comparative perspective and examines the critical interaction between policies of access to credit financial inclusion and responsible lending

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

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

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 **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 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

Digital Borders and Real Rights Evelien Renate Brouwer, 2008 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 Information Discovery on Electronic Health Records Vagelis Hristidis, 2009-12-10 Exploiting the rich information found in electronic health records EHRs can facilitate better medical research and improve the quality of medical practice Until now a trivial amount of research has been published on the challenges of leveraging this information Addressing these challenges Information Discovery on Electronic Health Records exp *Managing Privacy* H. Jeff Smith, 2017-10-06 The ongoing revolution in electronic information technology raises critical questions about our right to privacy As more personal information is gathered and stored at

brehtaking speed corporate America is confronted with the ethical and practical issues of how to handle the information in its databases how should it be safeguarded and who should have access to it In Managing Privacy Jeff Smith examines the policies of corporations such as insurance companies banks and credit card firms that regularly process medical financial and consumer data According to Smith many companies lack comprehensive policies regulating the access to and distribution of personal data and where stated policies do exist actual practices often conflict Few organizations are willing to become leaders in the development of such policies instead formulating privacy guidelines only after being pressured by consumers the media or legislators Smith argues that as information technology advances both corporations and society as a whole must modify their approaches to privacy protection and he presents specific suggestions for developing such policies Originally published in 1994 A UNC Press Enduring Edition UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print These editions are published unaltered from the original and are presented in affordable paperback formats bringing readers both historical and cultural value

GDPR: Personal Data Protection in the European Union Mariusz Krzysztofek, 2021-04-07 GDPR Personal Data Protection in the European Union Mariusz Krzysztofek Personal data protection has become one of the central issues in any understanding of the current world system In this connection the European Union EU has created the most sophisticated regime currently in force with the General Data Protection Regulation GDPR EU 2016 679 Following the GDPR's recent reform the most extensive since the first EU laws in this area were adopted and implemented into the legal orders of the Member States this book offers a comprehensive discussion of all principles of personal data processing obligations of data controllers and rights of data subjects providing a thorough up to date account of the legal and practical aspects of personal data protection in the EU Coverage includes the recent Court of Justice of the European Union CJEU judgment on data transfers and new or updated data protection authorities guidelines in the EU Member States Among the broad spectrum of aspects of the subject covered are the following right to privacy judgments of the CJEU and the European Court of Human Rights scope of the GDPR and its key definitions key principles of personal data processing legal bases for the processing of personal data direct and digital marketing cookies and online behavioural advertising processing of personal data of employees sensitive data and criminal records information obligation data subjects rights data controller joint controllers and processors data protection by design and by default data security measures risk based approach records of personal data processing activities notification of a personal data breach to the supervisory authority and communication to the data subject data protection impact assessment codes of conduct and certification Data Protection Officer transfers of personal data to non EU EEA countries and privacy in the Internet and surveillance age Because the global scale and evolution of information technologies have changed the data processing environment and brought new challenges and because many non EU jurisdictions have adopted equivalent regimes or largely analogous regulations the book will be of great usefulness

worldwide Multinational corporations and their customers and contractors will benefit enormously from consulting and using this book especially in conducting case law guidelines and best practices formulated by European data protection authorities For lawyers and academics researching or advising clients on this area this book provides an indispensable source of practical guidance and information for many years to come

Reviewing **Regulating Privacy Data Protection And Public Policy In Europe And The United States**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is really astonishing. Within the pages of "**Regulating Privacy Data Protection And Public Policy In Europe And The United States**," an enthralling opus penned by a very acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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