

# **Data protection challenges in the world of working**

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# The PAW project



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Georg-August University  
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George Orwell

nineteen

eighty-four

a novel

# Perpetual attributes of privacy protection

- Strong relationship with human dignity and other personality rights
- Reflection to technological developments

## HARVARD LAW REVIEW.

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### THE RIGHT TO PRIVACY.

"It could be done only on principles of private justice, moral fitness, and public convenience, which, when applied to a new subject, make common law without a precedent; much more when received and approved by usage."

WILLES, J., in *Millar v. Taylor*, 4 Burr. 2303, 2312.

THAT the individual shall have full protection in person and in property is a principle as old as the common law; but it has been found necessary from time to time to define anew the exact nature and extent of such protection. Political, social, and economic changes entail the recognition of new rights, and the common law, in its eternal youth, grows to meet the demands of society. Thus, in very early times, the law gave a remedy only for physical interference with life and property, for trespasses *vi et armis*. Then the "right to life" served only to protect the subject from battery in its various forms; liberty meant freedom from actual restraint; and the right to property secured to the individual his lands and his cattle. Later, there came a recognition of man's spiritual nature, of his feelings and his intellect. Gradually the scope of these legal rights broadened; and now the right to life has come to mean the right to enjoy life,—the right to be left alone; the right to liberty secures the exercise of extensive civil privileges; and the term "property" has grown to comprise every form of possession — intangible, as well as tangible.

Thus, with the recognition of the legal value of sensations, the protection against actual bodily injury was extended to prohibit mere attempts to do such injury; that is, the putting another in

# Ages of information technology

## Stand-alone computer

Real physical location  
Classical database technology

Classical principles of data protection

## Networking (*Fix and mobile*)

Trans-border flow of data  
Data-mining

Personality profile!  
Who can access my data?

## Virtualization

Social networking  
Cloud applications

Where are my data?  
Anybody can be a data-controller.

# Some other special challenges

- Biometric identification
- Geographic navigation systems
- RFID
- Video surveillance

# A special conflict...

## Data processing

- Concrete procedure
- Concrete data controller

## Data protection

- Abstract principles
- National authority

# ...and tentative solutions

- Data protection audit
- Local data protection supervisor



# „1984” in the workplace



“Oh, look . . . they’re reading ‘1984’ in Ms. Smith’s English class.”