

New Technology, New Data, New Privacy

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Orthodox approaches to protecting informational privacy come in three forms: data security infrastructure, data protection legislation and statistical disclosure control and related anonymisation techniques. In this paper I assert that all of these approaches have in common that they do not explicitly protect privacy but rather they place controls on the storage, movement and processing of data. To the extent that these approaches do protect privacy that protection is incidental to their primary aim of harmonising control mechanisms for data flows and processes.

After developing the above critique the paper then examines how shifts in the data environment in the last five years and more pressingly likely changes in socio-technical systems in the next ten, these control mechanisms will cease to operate effectively, even in their own terms, and an entirely new approach will be required. The paper will go onto argue that new technologies (variously called web 3.0, Future Internet, smart everything) as well as presenting a challenge to privacy of a degree previously unimaginable also provide an opportunity - as personalisation meets ubiquitous communication – to finally operationalise a data privacy construct which corresponds what is required at the human scale.

Ideas on what this might look like including automated data environment analysis, just in time consent and personal privacy policies will then be presented. The paper concludes that the window to push through such ideas will be limited and their implementation will require a concerted effort from legal, and technical and data practitioners.