

Internet of Things: privacy and security challenges

2 June 2016

IoTWeek 2016 - Belgrade

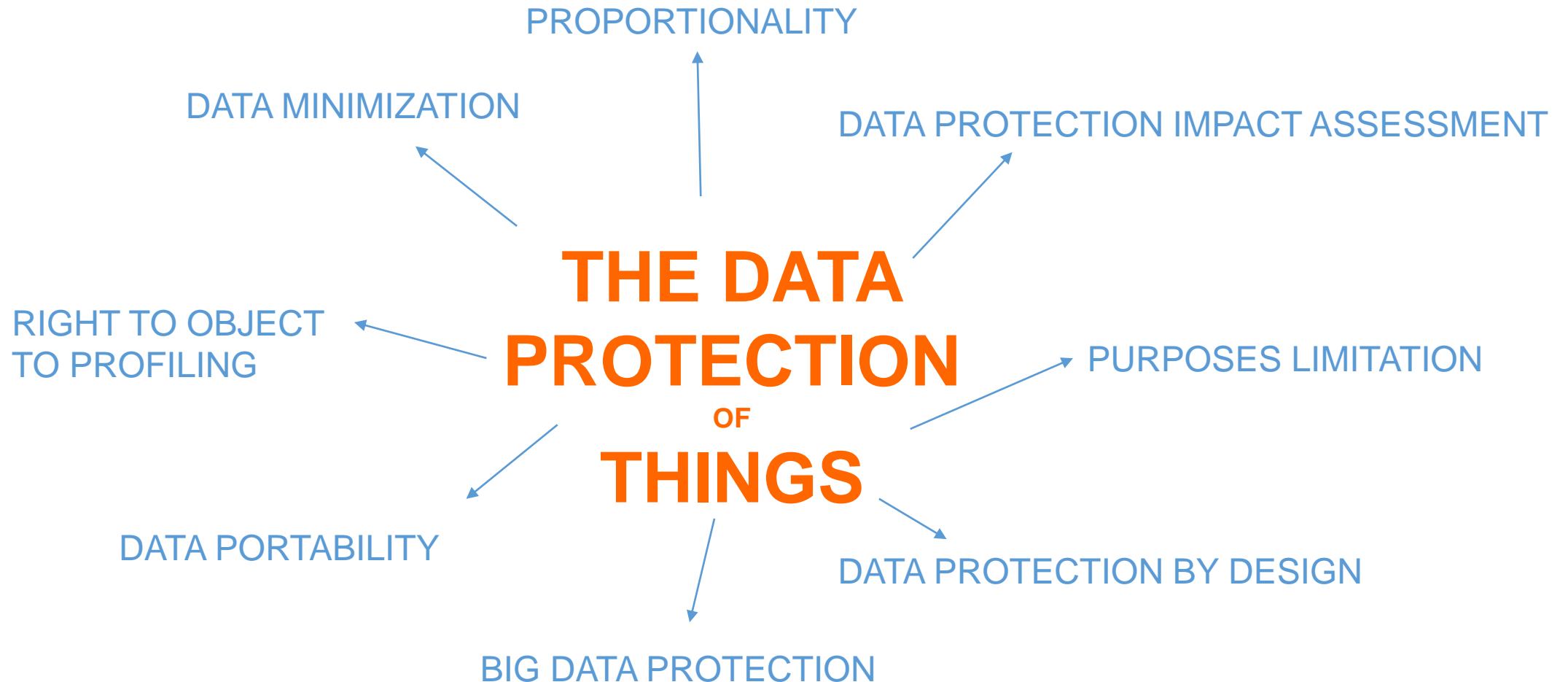
avv. Luca Bolognini

President, Italian Institute for Privacy

Founding Partner, ICT Legal Consulting

Board member, Privacy Flag H2020 Project

New GDPR + Art. 29 WP Opinion 8/2014 on the Recent Developments on the Internet of Things



❖ Increase the trust, efforts from the controller's side

Data protection by design

It consist in the controller's implementation of "technical and organisational measures appropriate to the processing activity being carried out and its objectives, such as data minimization and pseudonymisation, in such a way that the processing will meet the requirements of [the] Regulation and protect the rights of (...) data subjects" (GDPR, Article 25(1))

High level of details in the **information notice but in a simple and user-friendly way**
Enable effective and potentially automated exercise of **data subject's rights**
Application of the **right to data portability (GDPR, Article 20)**

Privacy by Default

Essentially, *"the controller shall implement appropriate measures for ensuring that, by default, only (...) personal data (...) which are necessary for each specific purpose of the processing are processed"* (GDPR, Article 25(2)).

Privacy enhancing technologies

Speaking of IoT, the respect of data protection right is not sufficient. These technologies must ensure also the safeguard of private and family life in terms of private sphere

❖ Increase the **power, efforts from the subject's side**

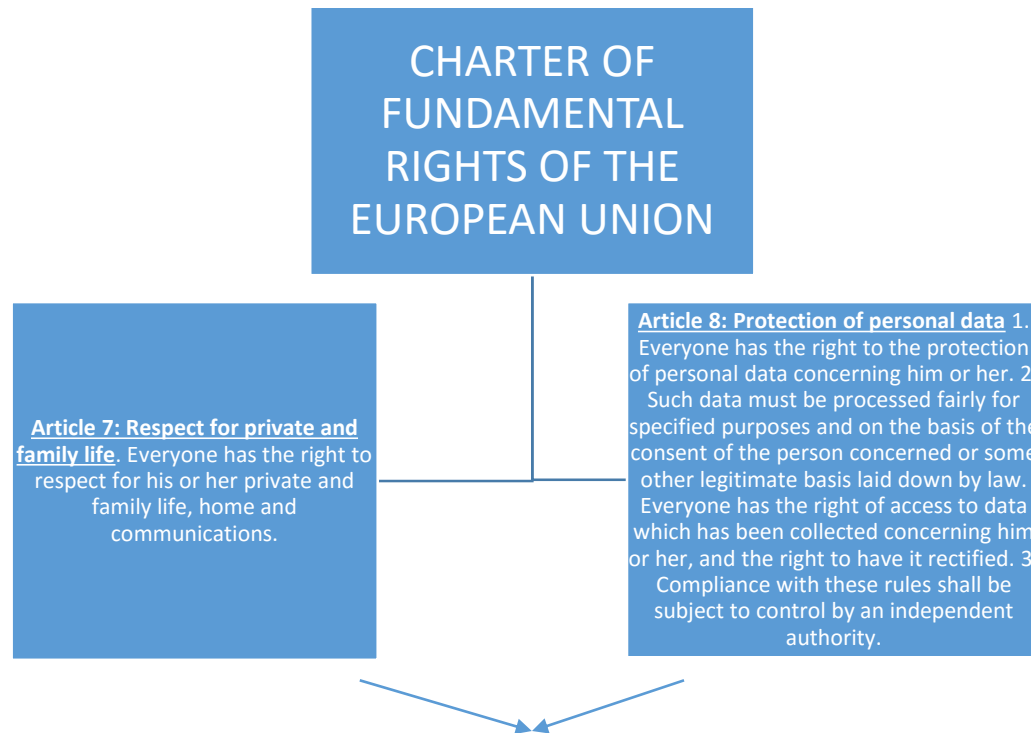
In IoT several obstacles for traditional data protection rules:

1. Often objects «without a face» (screens, dashboards, user visual interfaces)
2. Often many data controllers/processors
3. Silent data collection and dissemination/re-use

❖ **Digital Subconscious:**
subjects are often non-users and ignore newborn data related to them and impacting on them

NEED FOR NEW SELF-CONTROL/SELF DEFENCE TOOLS AND FEATURES FOR IOT ENVIRONMENT, DIRECTLY IN THE HANDS OF DATA SUBJECTS

Data Protection of Things + Privacy of Things = *Data Protecy*



Article 8: Right to respect for private and family life - ECHR

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 12 of Universal Declaration of Human Rights.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. (also **Article 16, Convention on the Rights of the Child** and **Article 23, Convention on the Rights of Persons with Disabilities**)

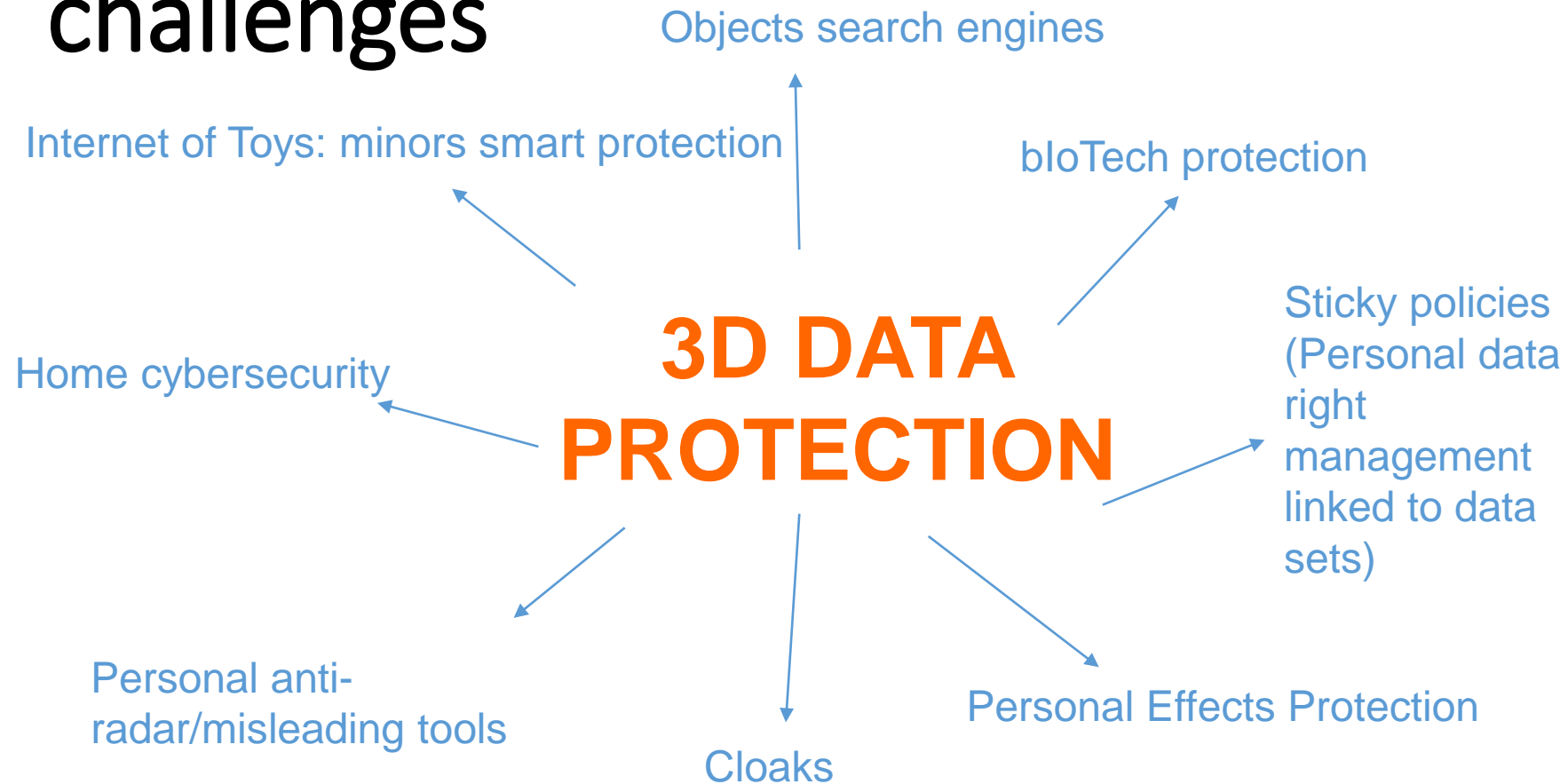
The IoT requires a fusion between those two rights that now are theoretically separated



IoT:

- Not just a matter of data processing
- But also a potential risk for private and family life (e.g. Home environments)
- Habeas Data (Rodotà)

❖ Next IoT “*data protecy*” challenges





THANK YOU!

l.bolognini@istitutoprivacy.it

luca.bolognini@ictlegalconsulting.com

ICT LEGAL
CONSULTING