

Between privacy and data protection: is eldentity the missing link? [and how do we go about it?]

CPDP 2010: An element of choice

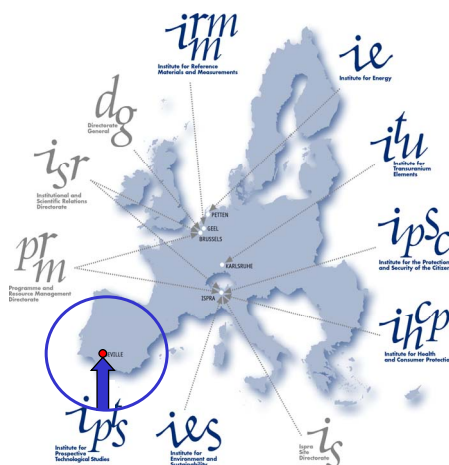
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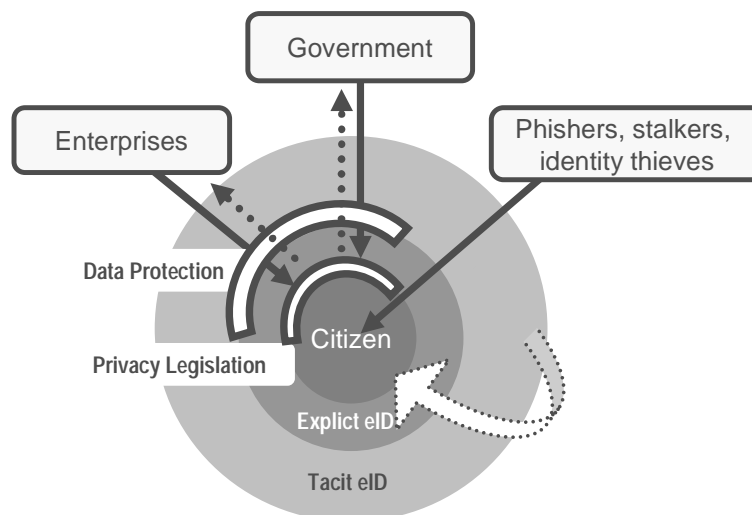
Part of DG JRC of the EC

Mission

"to provide customer-driven support to the EU policy-making process by researching science-based responses to policy challenges that have both a socio-economic as well as a scientific/technological dimension"

□ **Digital identities are vital to the way Internet services are provided and to citizens' everyday life, have a crucial role to play in setting the framework conditions so as to sustain this shift while maximising the benefits for economy and society**

- ↳ Council of the European Union. Council Conclusions on future networks and the Internet. (Council conclusions 16616/08). Brussels: Council of the European Union, 2008. Available from <<http://register.consilium.europa.eu/pdf/en/08/st16/st16616.en08.pdf>>.



- ❑ **Disclosure paradoxes.** Identity2.0 generates personal, social and systemic challenges that regulators have just started addressing .
- ❑ **Non-transactions.** From transaction based regulation to a non-transactions based environments. How to protect integrity of identity in such environments.
- ❑ **Multiple standards.** Lack of interoperability and open commercial standards may stifle competition, generate identity proliferation and user lock-in.
- ❑ **Governance dilemmas**
 - ↳ Dual role of governments.
 - ↳ EU vs. Member States?
 - ↳ Governments as market actors through procurement.

- ❑ **In a world where transactions are discrete, explicit, recorded, to some extent auditable, the DP framework ensures procedural fairness**
- ❑ **The DP framework is less effective in protecting identity-relevant non-transactions: where people go, online and offline, who they are with, what they do, who they know, what they think**
 - ↳ People spend most of their time in non-transactions or non-regulated transactions, again online and offline
 - ↳ Such non-transactions may be used in ways that the user could not anticipate, as digital traces are identified, assembled and re-presented
 - ↳ Companies and governments are increasingly interested in these non-transactions. Hence the need for further thinking of regulation

Calls for integrated solution for privacy and data protection. Alternative solutions may serve to protect the life space [consent, redress, transparency, information, awareness] between DP and privacy

- ↳ Functional extension of Data Protection Directive, partly to cover these areas by declaring the enabling data as personal data
- ↳ Extension of ePrivacy Directive to classify new technologies [and old ones: cookies] as potentially privacy risks
- ↳ Harmonisation regarding legal propertisation of identity based on MS civil law

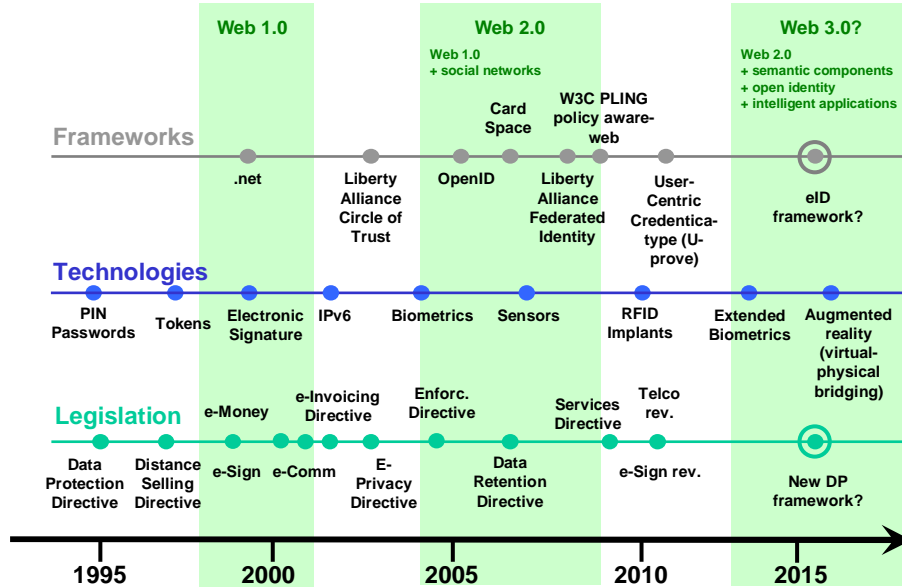
European elidentity framework

- ↳ Harness identity technologies to solve some of the grey areas and open challenges lying between privacy and data protection regulation in Europe

Increasing use of credentials, open standards and encryption to secure personal data

- ↳ Purpose-binding identity data via claims and credential offers a solution to many concerns

Different flavours of 'privacy by design'...

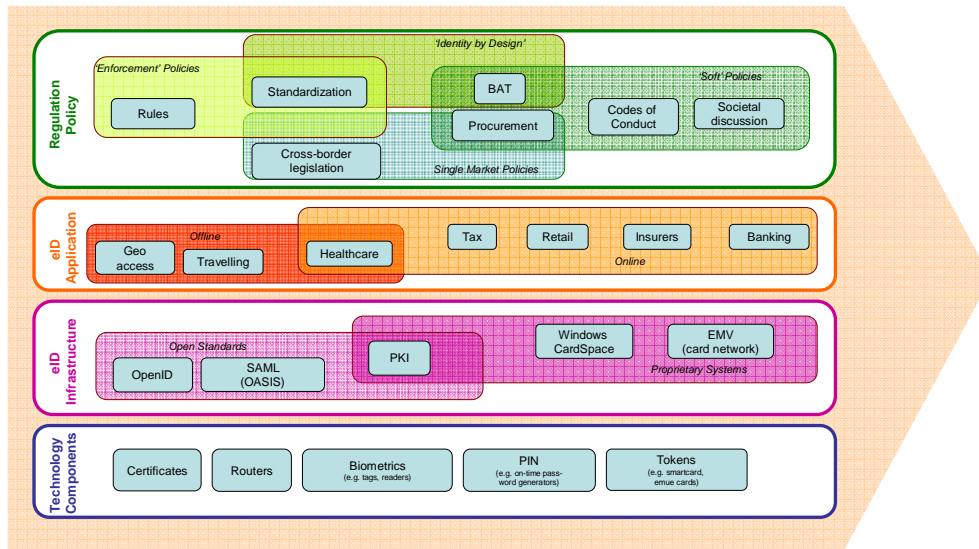


□ Is eID a general purpose technology?

- ↳ Technical solutions are coming to the fore [e.g. Identity meta-system, authentication without identification, interoperability].
- ↳ On the market, we see increasing integration of Type 1 and Self-issued Type 3 IAM systems, increasing complexity of value networks.
- ↳ We also see increasing trends of technical standardisation, in a range of domains relevant to identity management.

□ Is eID a public good?

- ↳ The new 'economics' of identity enabled by the socialisation of identity management is currently unclear.
- ↳ We also register several behavioural paradoxes when people manage their identity online, raising fears concerning trust and privacy in identity 2.0.



❑ What kind of right

- State allocated vs. user chosen
- Right to be identified vs. right to anonymity
- Administrative right vs. social right (e.g. right of one person's identity not to be misrepresented)
- Human right vs. contractual right

Choice of the framework

- ↘ Full integration
- ↘ Integration with functional separation
- ↘ Federation
- ↘ Extreme separation
 - Japanese model

Model of regulation

- ↘ If like electricity grid (security aspects important)
- ↘ If like railway network (security aspects important)
- ↘ If like roads (personal user, implies governmental control of driving licence, car safety)
- ↘ If air-transport regulation (international agreement)

Applying framework to Sectors (e.g. health)

Forecasting role of actors in different frameworks

Thanks

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