

# Preface

The year 2014 is destined to be an important year for European Data protection. After lengthy discussions in the various committees, involving almost 4,000 amendments to the Commission's 2014 proposal, the European Parliament on 12 March 2014 adopted the proposal prepared by the committee chaired by MEPs Jan-Philipp Albrecht and Dimitrios Droutsas in the first reading. The waiting at the time of writing this foreword (June 2014) is for the position of the Council of Ministers on the Regulation. Once this is available, the European Parliament has to negotiate with the Council and the Commission on the final text.

The seventh annual Computers, Privacy and Data Protection (CPDP) conference was held in Brussels on 22, 23 and 24 January 2014, and was sharply influenced by the European Commission's new proposals and the discussions that led up to the almost 4000 amendments that were tabled by stakeholders within and outside Europe (e.g. the USA). The conference took place during a sort of 'interbellum'. At the time when contributors to the conference were preparing their papers and panels, the text of the draft Regulation was in flux. In October 2013, the European Parliament's influential LIBE Committee (Civil Liberties, Justice, and Home Affairs) had decided on the proposal to be forwarded to the Parliament. The LIBE version introduced changes to the original Commission proposal, for instance regarding the controversial 'right to be forgotten' provision (art. 17). As a result the legal reality at the conference differed from the one on which some authors based their texts.<sup>1</sup> Uncertainty regarding the final text of the Regulation also existed at the time of the conference itself; the European Parliament adopted the LIBE version in its first reading after the conference. And even when this volume will appear in print, we still may not know what the final Regulation will look like. This book volume reflects this state of affairs. It provides a reflection on the proposed changes in the data protection landscape that may appear outdated at the time of reading. The value of the contributions however remains because many of them extend beyond the actual regulation and hence have more principled value.

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<sup>1</sup>This is nothing new. Legal reality constantly changes due to changing legislation and case law.

The present book is one of the results of the seventh edition of the annual Brussels based International Conference on Computers, Privacy and Data Protection: *CPDP2014 Reforming Data Protection: The Global Perspective*. The conference welcomed almost 850 participants at ‘our’ venue – the magnificent *Les Halles* – while another 500 people were reached through free public events organized in the evenings, also in Brussels. The 3-day conference offered participants 60 panels, several workshops and special sessions, with 343 speakers from academia, the public and private sectors, and civil society.

Under a slightly adapted title – *Reforming European Data Protection Law* – this volume brings together 16 chapters offering conceptual analyses, highlighting issues, proposing solutions, and discussing practices regarding privacy and data protection. The first part of the book contains two chapters on one of the prominent recurring CPDP themes: profiling. The second part focuses on one of the important new directions in the Regulation: a focus on preventing privacy risks and harms through impact assessments. It contains discussions on the tools and methodologies for impact assessments, as well as case studies. The third part contains three chapters on the controversial Right to be Forgotten. It addresses the history of the proposed right, ten reasons why it should be forgotten and explores one of the important dimensions in forgetting: time. The fourth part contains two chapters on the purported trade-off between privacy and security. The final, fifth, part deals with ways to support privacy and data protection. It contains a chapter discussing the nature of the Data Protection reform and a chapter on people’s knowledge and awareness of privacy protection strategies. It furthermore offers three chapters on privacy by design and how to implement this in practice.

The chapters in this volume stem from two tracks. Six chapters (Chaps. 8, 9, 11, 13, 15 and 16) originate from responses to the conference’s call for papers and have thus already been presented during the conference. The remaining chapters (Chaps. 1, 2, 3, 4, 5, 6, 7, 10, 12 and 14) were submitted by some of the conferences’ invited speakers in the months following the conference.

All the chapters of this book have been peer reviewed and commented on by at least two referees with expertise and interest in the subject matter. Since their work is crucial for maintaining the scientific quality of the book, we would explicitly take the opportunity to thank them for their commitment and efforts: Rocco Bellanova, Colin Bennett, Paul Bernal, Laurent Beslay, Jean-François Blanchette Caspar Bowden, Ian Brown, Roger Brownsword, Peter Burgess, Denis Butin, Lee Bygrave, Jan Camenisch, Johann Cas, Roger Clarke, Claudia Diaz, Niels van Dijk, Simone Fischer-Hübner, Michael Friedewald, Lothar Fritsch, Raphael Gellert, Marieke de Goede, Seda Gürses, Rob Heyman, Mireille Hildebrandt, Dennis Hirsch, Joris van Hoboken, Chris Hoofnagle, Gerrit Hornung, Patrick Humblet, Paulan Korenhof, Eleni Kosta, Christopher Kuner, Marc Langheinrich, Marc van Lieshout, Gary T. Marx, Irma van der Ploeg, Charles Raab, Kjetin Rommetveit, Arnold Roosendaal, Ronny Saelens, Joseph Savirimuthu, Jean Marc Van Ghyseghem, Diane Whitehouse, Brian Wynne and Tal Zarsky.

May this book meet the reader's expectations and contribute to the quality of the continuing debate about the future of privacy and data protection.

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