

Smart Cars Cruising on the Road Paved with Good Intentions? – Workshop on Big Data Applications and Individual Rights under the New European General Data Protection Regulation *

Extended Abstract

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Abstract. In this workshop we will address the protection of individuals with regard to threats posed by big data applications. Using Smart Cars as an example, the workshop will focus on the individuals' rights under the new EU General Data Protection Regulation. After an introduction to these topics, participants are invited to discuss these issues in groups and general conclusions on the effectiveness of the rights for individuals under the General Data Protection Regulation will be drawn.

Keywords: Smart Cars, Individual Rights, Big Data, General Data Protection Regulation, EU law

1 Motivation

After years of political struggle, the General Data Protection Regulation has finally been adopted. Ever since the reform process was announced, questions arose on whether and to what extent the regulation would address the requirements of emerging technologies and applications. Among these, the topic of big data and its implications for data protection were particularly contentious.

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The purpose of this workshop is to analyze the effectiveness of the protection of individuals under the new European General Data Protection Regulation, which implements the fundamental rights to private life and the protection of personal data, with regard to big data applications. In order to introduce participants to this complex issue and to provide a basis for the discussion, we will focus on one specific case of big data applications, namely Smart Cars. The ultimate goal of the workshop is a contribution to the question how personal data protection should be regulated in order to address the privacy challenges of big data applications while still preserving its benefits.

2 Workshop Structure

As the workshop is aimed at and open to representatives of all disciplines and backgrounds, it will start with an introduction to Smart Cars as an example of big data applications, highlighting the relevant technical basics. This will be followed by an overview of the relevant provisions of EU data protection law. Participants will be involved in the discussion of how the rights of individuals with regard to Smart Cars are capable of protecting these individuals. The results of these discussions will then be examined and general conclusions on the level of protection under the General Data Protection Regulation will be drawn.

2.1 Smart Cars and Big Data

As the notion of big data has not been defined in a comprehensive way, the workshop will set out specific scenarios of big data applications and define their scope. This will be done by using Smart Cars as a way of example. Modern cars are equipped with a multitude of sensors which collect data for a plethora of purposes, ranging from safety and security to mere comfort functionalities. However, this does not only relate to the owner/driver of the car, but also to various third-parties: a Smart Car processes data concerning any passenger as well as data of persons on the street or persons in other cars.

2.2 Individual Rights in EU Data Protection Law

Participants will be given an introduction to the provisions regarding the protection of individuals under EU data protection law.

The processing of personal data is fully harmonized in the EU since the Data Protection Directive of 1995. Recently its predecessor, the General Data Protection Regulation has been adopted by the EU legislator and will enter into force in 2018. It aims to further the harmonization of EU law and protect the rights of individuals in the modern digital age.

Any processing of personal data is an interference with the fundamental rights of the individual: both the right to the protection of personal data enshrined in Article 8 CFR and the right to private life as protected by Article 7 CFR require that any pro-

cessing has to be prescribed by law and proportionate. Further, Article 8 CFR imposes requirements as to the storing of the data and access rights.

These abstract principles are implemented in the rules of the General Data Protection Regulation, which in Chapter III includes various specific rights of data subjects, i.e. concerning transparency of the data processing, information and access rights, rights to rectification and erasure and to object to the processing of data.

2.3 Can the General Data Protection Regulation Resolve the Concerns for Individuals with Regard to Smart Cars?

The third part of the workshop aims at identifying and analyzing the rights of individuals relevant in the legislative process for the General Data Protection Regulation with regard to Smart Car scenarios.

Firstly, it will be elaborated which individual rights address big data applications in the Smart Car context and how they are to be applied in certain scenarios. The discussion, however, will not only scrutinize the current version of the Regulation but will consider the legislative process with its different emphases on individual rights in order to take into account alternative solutions that may have been neglected during the decision-making process.

Participants will then discuss in small working groups whether the new European data protection legislation adequately addresses and effectively resolves the identified issues and if these could be resolved in a more appropriate manner. Therefore case examples will be provided to deepen the discussion and focus on different aspects.

2.4 Conclusions

After the participants' group discussions and presentation of results, general conclusions on the effectiveness of the rights for individuals under the General Data Protection Regulation will be drawn. Thus, the workshop aims to contribute constructively to the debate both on the implementation of the General Data Protection Regulation and its follow-up process by providing multiple perspectives and interdisciplinary insights on how to address the privacy challenges of Smart Cars as an application of big data.