

ABSTRACT

Privacy in the era of new surveillance technologies

Since September 11th, 2001, the world is experiencing a rapid expansion of surveillance practices influencing both the formation of the law and the politics.

New emerging technologies can make vast amounts of personal information easily available which, even though it is collected mainly by private parties for commercial purposes, it can also be easily accessed, collected and retained by government organizations on the grounds of public and national security, defence and criminal investigation. The recent revelations about the scope and scale of the mass surveillance conducted by American NSA and its British counterpart GCHQ have shown an unprecedented use of new technologies as surveillance tool by government agencies.

Especially, the spread of new technologies such as the “mobile applications” (apps) “smart metering”, “cloud computing” and “geo-location” services induce far reaching implications in relation to the protection of personal data against private and government surveillance practices. In this environment, users lose control over their personal information by uploading and storing their data on mobile devices with programs hosted on remote servers. This “loss” of control causes a series of legal problems on user’s privacy and confidentiality. Risks such as the sharing of information collected without consent and weaker privacy protection laws in the country, where data centers rest, might result to the unlawful distribution and use of personal data to third parties –as advertisers, employers and government agencies.

Against this complex surveillance network of technology and jurisdictional threats, European citizens are currently protected by a rather out-dated regulatory framework, namely the Directive 95/46/EC which is under revision and about to be replaced by a new, updated and more comprehensive regulation.

This paper combining the presentation of research on privacy problems arising from the use of new technologies as surveillance tool explores the new European data protection legal framework. It draws on privacy papers and studies relevant to the impact of new technologies the right to privacy..

Finally, it is argued that there is a special need to re-address the privacy problems and concepts in this highly pervasive environment, and to create a modern and updated legal framework by introducing new rules that will provide greater legal certainty ,enhance citizens trust in new technologies and restore the trust between citizens the private sector and governments

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