



Will Privacy Law in the 21st Century be American, European or International?

Philipp E. Fischer

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Intermediate Examination Paper from the year 2010 in the subject Law - Comparative Legal Systems, Comparative Law, grade: befriedigend, Queen Mary University of London (Centre for Commercial Law Studies (CCLS)), course: International Studies in Intellectual Property Law (LL.M.) - End of first term dissertation, language: English, abstract: Rapidly developing technologies are providing new and very powerful means to sort, combine and analyse data. This data exists in a networked environment, thus personal information can be collected and processed on any computer on the Net and is, at least in theory, accessible by every computer on the Net. The development of the Internet has made it possible to transfer this data "around the globe at the click of a mouse". Fresh business models such as "cloud computing", the newest "driver to illustrate the speed and breadth of the environment", allow this data to be processed across national borders on a routine basis.

Individuals and companies are "increasingly immersed in social networking, search technologies, online commerce and many other activities in which information about an individual is sent worldwide from one point to another". These activities became more and more borderless, because the Internet, as an open window to the world, blurs the lines between public and private space, firstly since globalisation and the outsourcing of economic actors entrain an ever growing exchange of personal data, additionally because of the security pressure in the name of the legitimate fight against terrorism opens the access to a significant number of data to an increasing number of public authorities and finally this is due the tools of the digital society accompany everyone at each stage of life by leaving permanently individual and borderless traces in both space and time.

Therefore, calls of both the public and private sectors for an international legal framework for privacy and data protection have become louder. Privacy Commissioners appealed to the United Nations "to prepare a binding legal instrument which clearly sets out in detail the rights to data protection and privacy as enforceable human right". This appeal was repeated in 2008 at the 30th International Conference held in Strasbourg, and at the 31th conference 2009 in Madrid through the draft of a global legal instrument on Data Protection with a view to submitting it to the United Nations. But also companies such as Google and Facebook have come under continuous pressure from governments and citizens to reform data use of data.

Could these calls possibly be best achieved by an international framework for Data Protection, rather than a collection of national or regional approaches?



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