

Lorentz workshop “Privacy by Design Beyond the Screen”, 24-28 April 2017

In April 2017, P.I.Lab researchers Bert-Jaap Koops (TILT, and Distinguished Lorentz Fellow 2016/17), Jaap-Henk Hoepman (Radboud University) and Tjerk Timan (TILT) organised an intensive, multidisciplinary Lorentz workshop in Leiden on privacy by design. Some 25 researchers from a wide range of disciplines – including law, ethics, STS, industrial and interaction design, computer science, and privacy engineering – came together in the well-equipped Snellius venue of the Lorentz Center, for a full week of in-depth plenary and breakout discussions.

“Privacy by Design” (PbD) has become a widely supported concept, but is it actually possible to embed legal privacy rules in technology design? And what does it mean to ‘embed’ ‘legal rules’ or ‘privacy protection’ in ‘design’? The workshop aimed to 1) bridge approaches between disciplines, 2) find common ground between legal, technical, and design concepts; 3) conceptually discuss the ‘locus’ of Privacy by Design (in the hardwiring, in default settings, and/or in the design of the environment); 4) apply Privacy by Design to scenarios of smart toys and augmented reality (AR); and 5) identify implications for law and technology.

There was intensive, collective interaction between the participants, leading to joint understandings of the challenges of PbD, particularly in relation to smart toys and augmented reality, which were discussed at length in sub-groups. The discussions made us realise the complexity of PbD in these contexts, but also in general: not only can PbD be located in hardware/software, in default settings as well as in the design of the environment (which was explored in the scenario discussions), but it also matters considerably what one understands ‘privacy’ to mean. The many possible conceptualisations of privacy complicate the understanding of what PbD is or should be. In addition, while it is clear that privacy involves other aspects besides data protection, the relationship between Privacy by Design and Data Protection by Design needs more study, since they tend to be equated too easily. Moreover, it turns out to be difficult, and undesirable, to focus only on the design of particular devices (such as a toy or AR lenses), since these are connected to backend systems where bulk data are processed in continuous processes of machine learning and real-time feedback loops. If one wants to effectively design privacy into smart technologies, this should actually be done from scratch and encompass the entire gamut of infrastructures, platforms, apps, devices, and sensors in a ubiquitously connected world.

The main findings and implications for law and technology therefore turned out to be a) the importance of a holistic approach to privacy/technology design: many people are working on some pieces of the puzzle, but hardly anyone looks at the whole picture. Much more should be done, therefore, to connect different communities working on aspects related to privacy/technology design. And b) that the current understanding of Privacy by Design *as a product* is dangerous (since it misleadingly suggests that issues can be ‘solved’ by accommodating some privacy concerns in an application’s design in some form; but privacy can never be achieved by design alone), and should be broadened up and instead be understood as a process, which should also acknowledge the broader (political) questions to ensure that proper attention is paid to the real underlying privacy regulatory and design challenges of new technologies.

Altogether, the participants looked back on a very intensive, rewarding, and inspiring week – a kind of ‘academic holiday’ featuring horizon-broadening discussions in pleasant surroundings with great facilities. The format of a Lorentz workshop turned out to be highly suited for the kind of multidisciplinary research and debate that P.I.Lab fosters.