



# **2014 STUDY BY THE INSTITUTE OF HUMAN RIGHTS**

## **“THE RIGHT TO PRIVACY AS A HUMAN RIGHT AND EVERYDAY TECHNOLOGIES”**

### **FOREWORD TO THE STUDY**

Social networks, cloud services, smart devices and applications, video surveillance systems and other similar information and communication technologies have become an inseparable part of our daily lives and often determine the borders of a user’s private life and personal data protection. This 2014 study by the Estonian Institute of Human Rights focuses on one aspect of the right to privacy, namely informational privacy, or the right to informational self-determination and its protection in the context of everyday technologies.

Informational privacy and the protection of personal data are fundamental rights because they stem from the right to privacy. This fundamental right has been included into many significant international conventions, such as the UN Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the European Union and the Constitution of the Republic of Estonia. The right to privacy as a human right encompasses a number of interests and rights, such as privacy of the home, protection of personal data, protection against slander and insults, secrecy of the message and so on. The core principle of all these rights is the person’s right to decide about his or her own private matters, including information about him or her and how it is used. The fundamental right to control information about oneself, which is the right to informational privacy or informational self-determination, is the basis for the principles of data protection both in the legislation of the European Union and the Republic of Estonia.

Modern information and communication technologies have not only changed the ways in which we collect, store, use and process information, but they have been integrated into our daily lives and affect our social practices and customs, increase mobility, expand the audience and so on. In this context, we primarily have in mind the Internet, computers, smart phones, various applications for smart devices and social communication networks, but also video surveillance systems set up in public places or schools to ensure people’s safety.

This study centres on the results of a national public opinion survey. The objective of the survey was to examine people’s opinions and practices in relation to privacy and use of everyday technologies: what kind of situations are deemed to invade privacy, who should



protect data and be responsible for it, what kinds of strategies are used to protect privacy. We also studied the respondents' awareness of the protection of their privacy – do they know what kind of data is being asked from them and where to turn in case of an violation of privacy. In connection to informational privacy, it is possible to refer to objective privacy violations (pursuant to applicable laws) and perceived threats to privacy. In the survey we focused on the threats perceived by respondents – we were interested in how people viewed different situations and which situations were considered to invade privacy. The results of the survey are supplemented by comments and recommendations from experts who deal with different aspects of privacy protection.

The right to privacy is a right that is often in the centre of interdisciplinary debates. The nature of privacy as a right is discussed publicly and academically by journalists, moral philosophers, legal scholars, social scientists, policymakers, engineers, technologists and representatives of many other fields. We lack a conceptual consensus on the matter of what this right should include and what the limits are to protecting this right in various contexts and areas of life. A general point of view in debates is that due to technological development we need to pay more attention to the protection of privacy and to improve the population's overall digital literacy.

Besides the survey results, the study covers the theoretical and empirical bases of the privacy study, the right to privacy and conceptual debates on the limits of this right. The study also contains a short overview of the right to privacy as a human right, the legal aspects of personal data protection, and the general development of this area. The last part of the study offers some recommendations and suggestions for public authorities to improve the protection of the right to privacy.

The study was completed as a co-operative project between several authors and partners. The overview of conceptual discussions on the right to privacy and its value was compiled, the questionnaire for the survey was prepared and the results were analysed by Maria Murumaa-Mengel, junior research fellow in the Chair of Media Studies of University of Tartu; Professor Pille Pruulmann-Vengerfeldt, Head of the Chair of Media Studies of University of Tartu, and Katrin Laas-Mikko, the organiser of this year's Human Rights Institute study and PhD student in Institute of Philosophy and Semiotics of University of Tartu. Turu-uuringute AS, under the supervision of survey administrator Karin Reivart, chose the sample for and also conducted the survey. The chapter on privacy right and legal aspects of data protection was compiled by Professor Katrin Nyman-Metcalf, Head of the Chair of Law and Technology of Tallinn University of Technology. Suggestions and recommendations for relevant authorities are common endeavours of the abovementioned authors with notable input from the experts who participated in drafting the survey questionnaire, interpreting study results and discussing suggestions. We would like to thank them for their cooperation and great ideas.