

NRCCL news

Newsletter from NRCCL

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**UNIVERSITETET
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A rush of doctoral defences!

Last autumn we were fortunate to experience successful public defences of four doctoral theses written by persons connected with the NRCCL. First out was Tobias Mahler who on 1 September 2010 defended his thesis “Legal Risk Management – Developing and Evaluating Elements of a Method for Proactive Legal Analyses, With a Particular Focus on Contracts.” The members of the doctoral assessment committee were professors Hans Petter Graver (University of Oslo (UiO)), Giovanni Sartor (European University Institute) and Richard Susskind (Gresham College, London). Professors Jon Bing and Kåre Lilleholt were supervisors for Tobias’ project.

Next out was Yue Liu who defended her thesis “Bioprivacy: Legal Challenges for Privacy Regulation of Biometric Identification and Authentication” on 3 September 2010. The assessment committee was composed of professors Marit Halvorsen (UiO) and Charles Raab (University of Edinburgh), along with associate professor Charlotte Bagger Tranberg (Aalborg University). Associate professor Lee A. Bygrave functioned as supervisor for Yue’s project.

For the first time in the life of the NRCCL, a PhD student from the field of e-government studies (“forvaltningsinformatikk”) defended a doctoral thesis: this occurred on 21 October 2010 with the disputas centring on Herbjørn Andresen and his thesis “Access to and Dissemination of Health Data. Regulation and Control Across IT Systems and Organisational Boundaries” (Tilgang til og viderefremming av helseopplysninger. Regulering og kontroll på tvers av IT-systemer og organisatoriske grenser”). Due to the breadth of the thesis’ content, the assessment committee was bumped up to four (as opposed to just

three) persons: professors Dag Elgesem (University of Bergen), Mette Hartlev (University of Copenhagen), Elisabeth Rynning (University of Uppsala) and Kristian Andenæs (UiO). Prof. Dag Wiese Schartum provided supervision.

Emily M. Weitzenböck defended her thesis “Between Contract and Partnership: Dynamic Networks as Collaborative Contracts and More” on 5 November 2010. The assessment committee was composed of professors Giuditta Cordero Moss (UiO), Ernst Nordtveit (University of Bergen) and Juha Karhu University of Lapland). Associate professor Lee A. Bygrave and professor Knut Kaasen were Emily’s supervisors.

Finally, Inger Marie Sunde defended her thesis “Automated Confiscation” (“Automatisert inndragning”) on 26 November 2010. Although primarily attached to the Department of Public and International Law (UiO) during her PhD period, Inger Marie began her PhD research at the NRCCL and has written on a theme that deals to a considerable extent with “computer law” issues. Making up the assessment committee were professors Jon Bing (UiO), Per Ole Träskman (Lund University), Erling Johannes Husabø (University of Bergen) and (during Jon Bing’s absence due to illness) Alf Petter Høgberg (UiO). Supervision was provided by professor Ragnhild Helene Hennem and associate professor Lee A. Bygrave.

In the aftermath of successful public defences of seven PhD theses during the whole of 2010, the “doctoral wall” in the NRCCL’s premises has had added to it many new portraits that make the wall more beautiful than before! Remember to have a look next time you visit.

All seven of the PhD theses that were defended in 2010 are in the process of being published during 2011. So “stay tuned”!

Privacy and Data Protection Conference 2010

The 2010 Conference was titled “Privacy and Data protection under the Duty to Give Way? Privacy and Data Protection in the Transport Sector” (“Personvern med vikeplikt? Om personvern i transportsektoren”). It was held at the Bristol Hotel in Oslo and attracted approximately 70 participants. The theme was tackled from the perspectives of both safety and security. Two persons from the NRCCL gave presentations: PhD student Olga Mironenko (“Data Protection in Civil Aviation: Body Scanning and Air Passenger Lists”) and professor Dag Wiese Schartum (“Data protection in the Transport Sector: Paradoxes, Dilemmas and Solutions” (“Personvern i transportsektoren: paradokser, dilemmaer og løsninger”). The conference is held annually in cooperation with the Norwegian Data Protection Tribunal (Personvernemnda).

eGovernment Conference 2011

Another annual arrangement is the eGovernment Conference (eForvaltningskonferansen) which is a cooperative effort between the NRCCL and several trade union organisations. The fourth such conference was held 9–10 February this year at the Oslo Congress Centre and attracted almost 200 participants. The theme of this year’s conference was privacy and data protection in public administration, with emphasis placed on employers’ ability to monitor and control employees. Four persons from the NRCCL gave presentations, including Mette Borchgrevink (on employers’ legal right to control their employees), Malin Ranheim (on the impact of the Norwegian Personal Data Act on case-handling procedures of the government administration), and Arild Jansen (on the ability to steer new technology).

Legislation and legal information

On Thursday, the 17 of February the NRCCL and Lovdata held a seminar in Lagting Hall. The seminar was organized by the Norwegian Parliament to celebrate Lovdata’s 30th birthday, which took place in 2011. The seminar was also a celebration

of the University of Oslo’s 200th birthday. The program contained both historical and future-oriented content. Among the speakers was “Mr. Lovdata”, Trygve Harvold, who in 2010 resigned after nearly thirty-years as president. The new director of Lovdata, Odd Storm-Paulsen, also presented at the conference. An audience of approximately 70 filled the esteemed hall. Seminar speakers presented the following topics: Hilde Sandvik, from the Department of History at UiO, presented “Law and the right of information when the University of Oslo was young”. Trygve Harvold presented “What digitization means for the right of information?”. Dag Wiese Schartum presented “Can better means for the legislature lead to simpler and more effective laws?”, while Odd Storm Paul presented “the right information - expectations and possibilities”.

eMe

Our former research fellow, Maryke S. Nuth, who successfully defended her doctoral thesis in 2010, has accepted employment in a postdoctoral position. The position will last for two-years. Maryke will work with the project “EME - Inclusive identity management in new social media”. The goal of the project is to acquire new knowledge of inclusive identification and authentication mechanisms in social media. Maryke will be responsible for the legal aspects of the project. The Norwegian Research Council provides funding for the project through the VERDIKT program.

Igov2

In December 2010, two of our former doctoral researchers, Emily M. Weitzenböck and Tobias Mahler, began employment as postdoctoral fellows at the NRCCL. Emily and Tobias will be working on the project “Governance of the Domain Name System and the Future Internet: New Parameters, New Challenges” (Igov). Their employment on the project is for a three-year term. Two research assistants, Darren Read and Kevin McGillivray, have also been appointed to the Igov2 project. The research assistants are employed for a period of 6-months. The first Igov2 symposium will take place on June 6-7 in Oslo. The project is funded partly by Norid and partly by the Norwegian Research Council through the VERDIKT program.

Co-workers departing the NRCCL

We sometimes have to eat comfort cake while thanking co-workers for their efforts. On Monday, 28 February, Yue Liu and Malin Ranheim completed their work at the NRCCL. Yue said goodbye after a successful doctoral defense and completion of a one-year implementation grant. Malin concluded a one-year contract as a researcher on the project “[Kunnskapsbehov om eForvaltning og jus](#)” (“The need for knowledge in eGovernance and law”). Thank you for your efforts at the NRCCL and keep in touch!

Privacy school - management information research with non-traditional tools

Privacy school, a two-year research project at NRCCL / AFIN is nearing its completion. As electronic means are increasingly being used to complete tasks that were previously performed manually (i.e. administration, teaching, contact with parents guardians, etc.) privacy and information security challenges have emerged. The purpose of Privacy School was to identify privacy and information security challenges that basic educational institutions in Norway are facing. Tommy Tranvik undertook the privacy school project with funding from The Centre for ICT in education.

Privacy school used a combination of traditional and non-traditional research methods to compile information for the project. Interviews with representatives of schools, school owners, interest groups, and national governments have been a central means of gathering information for the project. Support from the Centre for ICT in education also provided the project with access to a vast network of contacts in the educational sector. The Centre for ICT in education's efforts have made it possible to conduct an in-depth study of how school administrators and school owners are dealing with issues relating to privacy and information security. Information regarding the role of privacy in schools was collected utilizing the website [Personvernskolen.no](#). In addition to providing information about the laws and regulations applicable to electronic processing of personal data, [Personvernskolen.no](#) also provides users with a question-and-answer service. Here, students, staff, parents, guardians, and school owners submitted questions about specific policies relating to privacy. The parties that submitted

questions later received responses from a group of experts at the Centre for Law, the Inspectorate, and the Organization of Students. The online service has also been an important source of information for determining the issues that affected parties in the educational sector perceive as problematic and challenging.

Project results will be presented in two book publications. The first publication will focus specifically on information security in schools. The second publication will consider the privacy challenges associated with the fundamental, technological, and organizational changes that are currently taking place in Norwegian schools. In summary form, some important empirical findings and highlights from the project are:

- Discussion and consideration of a wide range of electronic aids utilized by schools for administrative and educational purposes. In compiling the research for this part of the project, a significant amount of data was collected from students, staff, and parents.
- Knowledge of legal requirements for treatment and protection of personal data lags far behind the technological developments taking place in schools. Schools direct their efforts towards getting “IT equipment in place” and not on the legal responsibilities that come with use of the technologies.
- System and application providers are key players in relation to privacy and information security. The current design of ICT solutions in schools makes it very difficult for the individuals that own and manage schools to follow privacy and security requirements mandated by legislation.
- School officials have put minimal focus on the privacy and security challenges that the rapid growth of ICT use in schools involves. Support provided nationally to schools (to both students and management) has been modest.
- Parents, guardians, and students appear to have little concern regarding privacy and security in their schools. This is despite the fact that websites like [dubestemmer.no](#) provide students with education regarding privacy and security issues.
- In Norwegian schools, new ICT solutions (particularly cloud computing), are rapidly being put into use. These technological solutions highlight many of the fundamental issues related to privacy

and security. Of principal concern is who actually controls the personal information that is collected? Do the local schools have ownership, or does the information belong to global companies?

New project on privacy and the relationship between the use of ICT at school and at home

Ann Elizabeth Vamos is working as a researcher at the NRCCL on the project “Possibilities and problems with ICT in collaboration between schools and home” (problem ved IKT i samarbeidet skole – hjem). Ann Elisabeth has a master’s degree in management science. The Centre for ICT in education is providing funding for the project. The duration of the project is 10 months

New project on fleet management

The NRCCL has entered into a project with the National Federation of Norway (LO) and five trade unions for a two-year research project on fleet management and coordination of mobile employees. In addition to the research conducted by the NRCCL, FAFO will also play a minor role in the project. Work on the project will commence at the beginning of the summer. A research position in connection with the project will be published shortly.

Surveillance in a democratic state

Just before Christmas, a book on surveillance in a democratic state ([Overvåking i en rettstat](#)) was completed. Dag Wiese Schartum both initiated and edited the work. The Nordic Conference in Law, which took place in 2009, provided the background information for the book. The book consists of 27 contributions from academics, legal practitioners, and politicians (including Justice Minister Storberget). Many individuals connected to NRCCL were among the contributors, including Bing, Bygrave, Mahler, Ranheim, Cojocarasu, Mironenko, Mork Lomell and Schartum (see details under ”Publications” below). The book was launched on 20 January 2011 at a well attended seminar. George Apenes provided reflection on the theme of the book at the seminar. The Government’s proposals for implementing the Data Retention Directive were also discussed.

Privacy in the Information Society

- In January 2011, Dag Wiese Schartum and Lee A. Bygrave completed another edition of their now “classic” introduction to data protection: *Personvern i informasjonssamfunnet* [Privacy in the information society] (Fagbokforlaget, 1st ed. 2004). The 2011 edition contains a significantly expanded discussion of Norway’s Personal Data Act and numerous updates of international developments. As noted above, Dag Wiese Schartum has put together and edited [Overvåking i en rettsstat](#) [Surveillance in a democratic state] (Fagbokforlaget, 2010). This anthology includes a large number of contributions from NRCCL researchers: Lee A. Bygrave, “Captain Surveillance v. Mr. X: An Essay on the Semantics and Politics of ‘Surveillance Society’”; Tobias Mahler, Malin Ranheim and Dana Cojocarasu, “How do national courts assess the data retention directive as it relates to basic human rights?”; Olga Mironenko, “Air Passenger Lists in Civil Aviation”; Heidi Mork Lomell, “Video Surveillance - Myths and Realities”; and Dag Wiese Schartum, “Surveillance in a Democratic State” (introductory chapter). Jon Bing wrote the foreword.
- In celebration of Professor Peter Blume’s 60th birthday, a festschrift was published titled *Ret, informatik og samfund* [Law, informatics and society] (DJØF Publishing, 2010). Contributions from the NRCCL included Jon Bing’s “Citation networks” and a paper by Dag Wiese Schartum titled “Den menneskelige faktor i elektronisk forvaltning” [The human factor in electronic administration].
- Olav Torvund contributed to the *Festschrift for Mads Henry Andenæs 70 år* (Gyldendal, 2010). The title of Torvund’s article is “Da aksjebrevene forsvant” [When the stock certificates disappeared].
- Lee A. Bygrave published an article titled “Privacy and Data Protection in an International Perspective” in *Scandinavian Studies in Law*, 2010, Volume 56. Dag Wiese Schartum’s article “Developing E-government Systems - Legal, Technological and Organizational Aspects” is also published in the same edition.

- Lee A. Bygrave published “The Body as Data? Biobank Regulation via the ‘Backdoor’ of Data Protection Law” in *Law, Innovation and Technology*, 2010, Volume 2.
- Jon Bing has contributed to the anthology *Til forsvar for personvernet [In defence of privacy]* (Universitetsforlaget, 2010) with an article titled “Elektroniske spor” [Electronic tracks].
- “Population by the Numbers: Identity Numbers, National Registers, and the Census in Norway” is the title of Scharthum’s article in the journal *IT - Information Technology*, 2011, Volume 53.
- Business as usual”. Tommy Tranvik co-authored the article.
- Lee Bygrave presented a lecture at the Tilburg Institute of Information, Law, Technology, and Society (TILTS), Tilburg University, on the topic “What is ‘data’ in data protection law? Implications for the propertisation debate”. The conference was held on 16 February 2011.
- Tobias Mahler lectured on “Legal Requirements for risk assessments for Id administration” at Tekna’s Conference on Risk and Safety in ICT systems. The conference took place on 9 March 2011.

Selected presentations:

- Arild Jansen presented a lecture at “Wed eGov 2010” in Lausanne, Switzerland, titled “How to Develop an Open and Flexible Information Infrastructure for the Public Sector?”. Co-authors Erik Hornnes and Øivind Jensen were former masters students in management science. Hornnes and Jensen are currently employed at Difi.
- Tobias Mahler contributed to The ID-theft conference on 10 October 2010 on “Legal Risk Management in ID Systems: Tool-based contract analysis”.
- A seminar on the new central Population Register was held on 4 November 2010. Dag Wiese Scharthum contributed with a presentation titled “Some legal considerations regarding definitions in the new population register”.
- Dag Wiese Scharthum contributed to the Directorate of Public Roads theme day on privacy and traffic. Dag’s post was titled “Privacy and road safety technology”. The conference was held on 24 November 2010.
- Arild Jansen presented a lecture titled “Can ICT reform public agencies?” at the Hawaii International Conference on System Sciences. The conference was held in Koloa, Hawaii on 3-6 January 2011.
- Tobias Mahler also presented at the seminar “Monitoring of a Constitutional state”. The title of Tobias’s contribution was “The Data Retention Directive as Considered by German and Romanian Courts”.
- At the SINTEF seminar on risk management Tobias Mahler presented some possible answers to the question “How can the law be integrated into risk assessment?”.
- On 7-8 February 2011, Arild Jansen took part at the Scandinavian Workshop on e-Government in Tampere, Finland. Arild Presented a lecture based on the article “IT governance in the digital era - Regulation beyond the Law? New Approaches to Social Regulation under Conditions of Complexity, Uncertainty, & Risk” in Münster, Germany. The conference was organized by the [Institut für Informations-, Telekommunikations- und Medienrecht \(ITM\)](#). The conference also celebrated 150 years of research collaboration between Germany and Japan. Mahler’s presentation was titled “Legal Risk Management as a Methodical Perspective--Uncertainty and Complexity”.

Other good news

Lee A. Bygrave has been appointed as a member of the editorial committees for *Computer Law & Security Review* (Elsevier) (2011 -) and *International Data Privacy Law* (Oxford University Press) (2011 -).