Doctoral thesis on identity management

Research Fellow Thomas Olsen has submitted his thesis *Privacy-Enhancing Identity Management* (in Norwegian, with the title *Personvernøkende identitetsforvaltning*) for the legal PhD degree. The general subject of the thesis is an analysis of which requirements for electronic identity management flow from Norwegian (and, indirectly, EU) data protection legislation. Identity management includes the identification, authentication and authorisation of users of information systems and services on the net. The thesis focuses on standards for what is known as *relation-based identity administration* (SAML), and implementing of such standards in Norwegian solutions for eGovernment, such as "Al-tInn", "Minside/MinID" or "Feide". Relation-based identity administration implies that an administrator of identities on the initiative and consent of the user communicates the relevant user information to the service provider. The advantages may be that the user is given access to several services through one-time authentication by the identity administrator (single sign-on). The thesis addresses three major legal issues relating to (i) the concept of *personal data* in the data protection legislation, (ii) the requirements in that legislation connected to *roles and obligations* (particularly those of data controllers), and (iii) the requirements in the legislation with regard to *user co-operation and control.* The thesis also contributes to the legal policy discussion on privacy-enhancing technologies (PETs).

Doctoral thesis on electronic commerce

Research Fellow Maryke Silalahi Nuth has submitted her thesis *E-Commerce Contracting: The Effective Formation of Online Contracts* (in English)

for the legal PhD degree. The thesis addresses the emergence of the Internet as a medium for contract formation and increased use of advanced ICT in e-commerce contracting and communication of dispositive electronic messages. The central question is whether traditional rules for contract formation are capable of dealing with all legal issues involved in the conclusion of an electronic contract. Examination is made regarding how legal systems have responded to various challenges posed by online e-commerce contracting and to what extent these problems have been addressed by the existing legal frameworks and rules. The thesis considers, inter alia, how to accommodate subjective concepts such as *knowledge* and *intent* in an electronic contracting mechanism so as to ensure the existence of legal obligations. What type of actions or mechanisms should be taken to ensure that the contractual expressiveness is obtained and no doubts exist that the parties have consented to an agreement? Different ways of incorporating contract terms online are discussed in an attempt to identify how and when such incorporation should take place to realise the legal intention of the parties.

Seminar and book on private copying

The doctoral thesis of Thomas Rieber-Mohn has been published by Gyldendal. In the resulting book *Digital privatkopiering (Digital private copying)* he discusses to what extent the provisions on private copying can be sustained in the new digital environment, and he explores if and to which extent the legislator should regulate to ensure that it in fact will be possible to make private copies according to the Norwegian Copyright Act section 12.

To launch the book, the publisher, the Norwe-

gian Consumer Council and the NRCCL organised a half-day seminar on 20 January 2010 in the facilities of Gyldendal. Almost 400 persons attended the seminar! Thomas Rieber-Mohn presented his view on how the Copyright Act section 12 may be amended. Also Professor Jon Bing (NRCCL) and Professor Ole-Andreas Rognstad (Department of Private Law, University of Oslo) contributed to the seminar.

eGovernment Conference 2010

On 10-11 February 2010, the NRCCL, the Norwegian Union of Municipal and General Employees, and the Electrician and IT Workers Union are organising the eGovernment Conference 2010. This is the third year the conference is held. In the program, we address the issues of universal design, information technology and freedom of information legislation as well as issues on data security and the governance of electronic public administration, including standards for administration. Among the speakers is the Minister of Government Administration, Reform and Church Affairs, Ms Rigmor Aaserud. For the NRCCL, Senior Research Fellow Dr Tommy Tranvik and Professor Dag Wiese Schartum are contributing. There is free attendance for students.

The NRCCL is 40 years old!

On 16 March 1970 the first seminar on "computers and law" was organised at the University of Oslo. The date is claimed as the birth day of the NRCCL and indicates the start of 40 years of research, teaching and communication to the public in legal informatics. This makes the NRCCL the second oldest academic research institution within its field, only beaten by the Swedish Law and Informatics Research Institute. In 1971, the activities of the NRCCL were organised in a dedicated Section within the Department of Private Law. The Section was later converted to an independent Department, and from summer 2006 this department once more was integrated with the Department of Private law – all the time retaining the English name Norwegian Research Center for Computers and Law. The Section of Information Technology and Administrative Systems was established in 1994 in close association with the NRCCL.

The NRCCL's 40th anniversary will be celebrated on Friday 19 March 2010. The program for the celebration has not yet been finalised but will feature a broad introduction to the research of the NRCCL, discussions of legal informatics in the past and future, a guided tour of the poster and art gallery of the NRCCL – the only gallery dedicated to the art and posters of computers and law – and organised nostalgic recollections of past times in the library. This dream day of legal informatics ends with a party for Terje (the name of the first computer terminal at the NRCCL). The seminar is open and free for all who register. For attendance of the Terje party there is a modest fee.

Praise for Internet Governance

Professor Corien Prins of the Institute for Law, Technology and Society (TILT), University of Tilburg has reviewed Bygrave and Bing (eds) *Internet Governance: Infrastructure and Institutions* (Oxford University Press, 2009) in *Computer Law & Security Review* 25/2009:501-504. She obviously appreciates the book, characterising it as "a must-read book … for anyone who values getting an insightful glance in the multifaceted and far from transparent arena that decides how the Internet infrastructure is developed and governed. […] [E]ach of the different chapters are jewels in providing the reader with valuable insights and argumentation on the complex world of Internet governance".

Presentations from the Nordic Conference in Legal Informatics 2009

In the period 12-13 November 2009 the NRCCL organised the XXIV Nordic Conference in Legal Informatics. The venue was Hotel Bristol, Oslo and the conference was titled *Surveillance under Constitutional Government.* Approximately 120 persons attended the conference. The intention was to explore possible answers to the extent it is possible to find an acceptable balance between data protection and surveillance as part of the fight against crime, and whether due process guarantees can compensate for weaker data protection. Dr Benjamin Goold, Fellow of Somerville College, Oxford offered the key-note address with the title "How Much Control Is Too Much in a State Governed by Rule of Law?". Of the

twelve lectures offered, three were given by researchers associated with the NRCCL:

• Lee A Bygrave "The Semantics and Politics of 'Surveillance Society'".
• Heidi Mork Lomell (Centre for Human Rights and NRCCL) "Video Surveillance: Myths and Realities" (Norwegian).
• Inger Marie Sunde (Department for Public Law and NRCCL) "'The Art of the Impossible': Striking a Balance between Data Protection and Crime Control" (Norwegian).

The presentations from the conference are available at the website of NRCCL. Many of the participants expressed their appreciation of the quality of the interventions, and the conference may be considered successful. On the basis of the interventions, a book is planned – expected publication being autumn 2010.

The conference was concluded by brief presentations of the more recent Nordic PhD-theses in legal informatics:

• Henrik Udsen *The Basic Principles of Information Law. Studies in Information Law* (University of Copenhagen; in Danish).
• Thomas Rieber-Mohn *Digital Copying for Private Purposes – an Analysis of the Copyright Act Section 12 confronting Digital Rights Management Systems and Prohibition of Circumvention* (NRCCL; in Norwegian).
• Susan Schiavetta *Electronic Alternative Dispute Resolution. Increasing the Access to Justice via Procedural Protections* (NRCCL; in English).
• Jens Petter Berg *Basic Problems of the Theory of Science and Moral Philosophy in Post-Realistic Norwegian Law* (NRCCL; in Norwegian).

Presentation from the Data Protection Conference 2009

The annual data protection conference – "A healthy data protection" – was organised at Hotel Bristol, Oslo, 4 December 2009. The theme was the consequences for data protection of important changes in the legislation relating to the health sector. The amendments to the legislation on health registers caused by this reform constituted one of the major issues explored. Also discussed were issues relating to the health research legislation (which came into force 1 July 2009). A recurring theme, also discussed in a dedicated lecture, was whether the protection of confidentiality in the health service was being eroded. The presentations are available at the web site of the NRCCL.

The Data Protection Conference is organised by the NRCCL the first Friday of every December, and is sponsored by the Data Protection Tribunal.

A hassle of web pages

The web site of the Faculty of Law has been given a new structure and design from 1 December 2009. The revision has caused a substantial part of the material of the NRCCL and SITAS to disappear from the website and thereby become publicly unavailable. The re-structuring has been governed and implemented from outside the NRCCL, and it may therefore take some time before one is able to return to an acceptable web service. However, we are working hard to improve the situation. For now, though, we can only apologize and offer our excuses.

New projects

PetWeb II – Privacy-respecting Identity Management for e-Norway. The project is in co-operation with Gjøvik University College, the Norwegian Computing Centre, the University of Karlstad (Sweden) and Borking Consultancy (Holland). Major activities in the project are:

1. Building of an interdisciplinary framework for privacy-respecting identity management primarily targeted to web services;
2. Design of a reference model for privacy-respecting identity management;
3. Provide and validate methods and tools for the evaluation of requirements and approaches to privacy-respecting identity management.

The contribution of the NRCCL is provided by senior research fellow Tobias Mahler. The legal part of the project has a duration of nine months, and the project as such is to be finalised in 2013. PetWeb is financed through the VERDIKT programme of the

Norwegian Research Council.

R2D2 – Road to media-aware user-Dependent self-aDaptive Networks. The purpose of the project is to develop an appropriate legal and ethical platform to utilise collected data on users and their patterns of use so that service providers in the whole chain may adapt and provide services of the requested quality at the right time. The NRCCL participates in a minor part of the project that is primarily related to data protection, by analysing data which may disclose the user patterns *etc*. One has not yet allocated the project to a particular researcher within the NRCCL.

Regulation aid ("Forskrifthjelpen") is the name currently assigned a pre-project the NRCCL has initiated in co-operation with the Regulatory Unit within the Legislative Department at the Ministry of Justice. The project is a continuation of LovIT (support by information technology in the legislative process). The objective is to develop a prototype for the drafting of regulations, transforming the requirements in the drafting guide (*Lovteknikk og lovforberedelse*) of the Legislative Department 2000 into functions in a computerised tool, where one also takes into consideration subsequent adjustments of the requirements. The tool probably also will support other functions, like response to proposals from relevant users, *etc*. The objective is to develop a first version by summer 2010. The NRCCL Masters student Peder Bergan (who is responsible for the programming etc) is collaborating with Professor Dag Wiese Schartum on the project.

Yulex 2009

Just befor Christmas 2009, the NRCCL for the 9th time published its "Christmas book" and distributed it to partners and contacts around the world. As usual, the book includes a selection of papers by NRCCL associates from the last year. The eleven Norwegian and English contributions demonstrate some of the breadth in the activities of the NRCCL. Yulex 2009 is from the NRCCL website.

Recent publications in the CompLex series

Since last NRCCL news three new titles are available in the CompLex series:

• Peter Blume *Assessment of the decisions of the Data Protection Tribunal 2001-2008*, CompLex 3/2009 (Danish, Norwegian).
• Tommy Tranvik *Data protection and information security: A study of the compliance with the legal provisions in the municipal sector*, CompLex 4/2009 (Norwegian).
• Ranveig Rufte Fjerdrumsmoen *Application of the Criminal Code sec 343 when acting in conflict of a prohibition of publication by an injunction*, CompLex 5/2009 (Norwegian).

A selection of presentations

• Professor Dag Wiese Schartum introduced the issue "What strategies of public administration are necessary for information technology" (Norwegian), the University of Oslo Partner Forum dialog seminar for senior executives, 21 September 2009.
• Professor Jon Bing, "What the Future has in Store", address to the 6th International Conference of Information Commissioners, The Parliamentary Ombudsman, Oslo, 28-30 September 2009.
• Professor Jon Bing, "The digital librarie– what will they look like?" Contribution to the conference "Providing Access to Content in a Changing Environment", International Federation of Reprographical Rights Organisations, Oslo, 21 October 2009.
• Professor Jon Bing, "The Future at Stake" (Norwegian), address to the conference on the occasion of the anniversary of the UN Convention on the Rights of the Child, Ombudsman for Children, Oslo, 22 October 2009.
• Associate Professor Lee A Bygrave, "Legal Aspects of WHOIS Databases", 36th meeting of Internet Cooperation for Assigned Names and Numbers, Seoul, 27 October 2009.
• Associate Professor Lee A Bygrave (in cooperation with Professor Graham Greenleaf, University of New South Wales), "Personal Data Export Restrictions and Jurisdictional Issues in a Web 2.0 World: European and Asian-Pacific

Perspectives", Kyung Hee Law School, Seoul, 28 October 2009 – the first in a "Lecture Series on Global Business Law" at Kyung Hee Law School.

• Professor Dag Wiese Schartum addressed the method of data read-off for criminal investigation at the lunch seminar of the research group "Societal control and due process", 29 October 2009. The address was based on the report of the Committee for the Control of Investigating Methods (NOU 2009:15), in which he has been a member.

• Professor Jon Bing "Reflections on future technology" (Norwegian), IBM Software Day, Oslo, 3 November 2009.