

Day 2 ☐ | Session 4: Under lock and key: Privacy, surveillance and data protection

Date: Tuesday, 21 September 2021 [6:30 am - 8:30 am UTC]

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Privacy and data protection have been recognised as two of the most important human rights in the digital age. Recent technological advances have changed the manner in which individuals interact with such a complex ecosystem. Nation states have launched mass surveillance programs that have unprecedented capability of recording information about citizens' communication and activity.

The objective of this unit is to summarise regulations pertaining to privacy, surveillance and data protection used to govern different aspects of the internet and online experience. This unit will identify the different facets of an individual's privacy that are impacted in the digital age and map regulations that are intended to protect those rights. It will examine the impact of emerging technologies on decisional privacy by analysing the different forms of surveillance currently deployed in society and the legal frameworks enabling them. Since the increasing use of personal data in the ICT space warrants a closer look at the data protection legislations, we will look at the current level of protection offered by legislations and examine if they have been adapted to address the informational privacy harms arising out of the technological changes.

Key points of discussion on privacy and surveillance:

- What is privacy and what is the international law position on it?
- Privacy protection in constitution and other laws in Southeast Asia
- What are the key concerns on privacy in the region?
- What are the key issues with surveillance and laws that regulate it?

Key points of discussion on data protection:

- What is data protection?
- What are the key legal concepts around data protection?
- Do data protection laws in southeast Asia sufficiently protect individuals?
- What are the gaps that need to be addressed in data protection laws in the region?

Session exercise:

This session will have four breakout groups of 6 participants each, with two groups working on the same exercise.

Exercise 4A: Groups 1 & 2: Data protection law analysis

The groups will be made of persons from different countries, and each group will assume the role of law-makers! The groups will talk about the ideal components of a data protection legislation in their countries and come back with a list of things they will include and a list of things they will avoid in a data protection law.

[Group 1 Exercise Sheet](#)

[Group 2 Exercise Sheet](#)

Exercise 4B: Groups 3 & 4: Surveillance law analysis

The groups will be made of persons from different countries, and each group will assume the role of law-makers! The groups will talk about the ideal components of a surveillance regulation or legislation in their countries and come back with a list of things they will include and a list of things they will avoid in a surveillance law.

[Group 3 Exercise Sheet](#)

[Group 4 Exercise Sheet](#)

Reference materials:

1. [Table 3 - Laws and regulations governing the ICT ecosystem in Southeast Asian countries](#)
2. [Table 4 - Resources and databases on ICT and jurisprudence](#)
3. [Table 5 - International human rights law landscape](#)
4. [Table 2 - Constitutional guarantees](#)

Suggested readings:

1. [Graham Greenleaf, Global Data Privacy Laws 2021: Despite COVID Delays, 145 Laws shows GDPR Dominance](#)

2. Shoshana Zuboff, Surveillance, capitalism, VPRO Documentary
3. General Data Protection Regulation
4. OECD Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data

Additional readings:

1. APEC Privacy Framework
2. The Fair Information Practice Principles
3. The failure of Fair Information Practice Principles
4. Incompatible: The GDPR in the Age of Big Data
5. A critique of consent in Information Privacy
6. A Contextual Approach to Privacy Online

Session Presentation

Read Day 2 Summary Here

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