

## Seminar 2007-10-26, Grenoble : Boris Rotenberg, "EU Data Protection and Privacy Laws"

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### \*EU Data Protection and Privacy Laws: Implications on the Development of Search Engines\*

Given the proliferation of information in the digitally connected society, search and information retrieval logically take centre stage. Recently, however, search engine providers have been confronted with a series of significant legal issues that may well hamper that trend, the last of which concerns search privacy and data protection. Specifically, the question arises whether the logging of user data by search engine providers is in compliance with existing EU data protection and data retention obligations, and more generally, whether search engine regulation is in line with the fundamental right to protection of private life. This talk will take a fresh look at that issue and considers the potential impact of data protection and privacy law on the development of a thriving European search engine market. It will start with a brief overview of search technology and describe the manner in which search engines profile as well as the commercial and other reasons behind these profiling activities. Subsequently, we will review recent high profile cases in the US (COPA, AOL) and EU (WP 29 debate), discuss the likely application of current legal regulatory obligations to search engines, and consider the response of search engines both in terms of technological change as well as proposals to amend existing legal regulation. Finally, we will embark on a fully-fledged analysis of the broader policy implications. This issue is significant for search engines since it may determine the near future of search engine technology. But it is equally of major importance for data protection regulations since its application in the search engine context is likely to have major repercussions also beyond the search engine sector.

Boris Rotenberg is a postdoctoral researcher in the IS Unit of DG JRC-IPTS, European Commission. At the moment, his research focuses mainly on the application of European fundamental rights (i.e. freedom of expression, data protection, good administration) to the digital environment. Specific fields of interest include digital identity, search engines, communications and media policy, and geographic information systems. Prior to joining IPTS, he was a BAEF visiting fellow with Yale Law School's Information Society Project, a post-doctoral Global Emile Noël fellow at NYU Law School, and a doctoral visiting scholar with Columbia Law School. Boris earned a law degree from the University of Leuven, Belgium (1999); read for a Magister Juris (LL.M.) degree at Brasenose College, Oxford (2000); and obtained the Ph.D. in law from the European University Institute, Florence (2005).