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BIG BROTHER IS WATCHING YOU! - PRIVACY ISSUES CONTRA SATELLITE NAVIGATION?



Privacy today explores some of the "hot" issues from a policy perspective. Geodata are available almost everywhere without any/with few restrictions. If data of personal residence/stopovers are combined with information on the movement and additional information problems arise if this information is publicly available. Policy maker have to find regulations. What regulatory issues have to be

taken in order to protect the privacy of personal information?

Chairman **Dr. Ulrich Theis**, Head of Satellite Navigation Department at German Aerospace Centre (DLR), opened the session with the remark that originally satellite navigation works in a passive mode whose use is very private. Only when value-added services come into play, a communication device is needed and then the system starts to become active.

Dr. Guenter Beckstein, Lawyer and Member of Parliament of the Free State of Bavaria and former Bavarian President, recognized that on the one hand the use of data is an interesting option for the executive to fulfill their tasks, but on the other hand the judicative tries to declare strict borders of what is permitted. Dr. Beckstein is convinced that video surveillance helps to increase safety and mentioned that crime rates on the most important places in Munich decreased by about 50% after the invention of video surveillance. He went on mentioning successes in finding terrorists by the survey of phone connections, which indeed had been carried out in Bavaria before a legal basis for this was available. The registration plate detection on the road toll terminals on German motorways, e.g. at Irschenberg, enables the law enforcement to track murderers escaping by car. Generally, he prefers a properly balanced two level system of data protection. On a more general level as for example video surveillance or the data capture by Google streetmap he recommends that a particular person has to express if he disagrees. In case of data of a higher level of intimacy the concerning person has to be asked for permission.

Michel Bosco, Deputy Head of Unit of EU satellite navigation programmes, compared the situation with the introduction of writing, voice recording, video

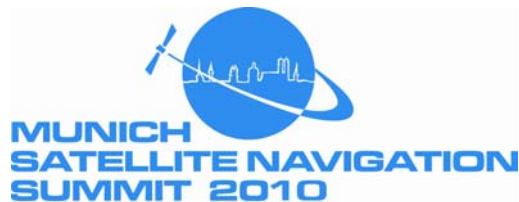
recording, Internet. It illustrated inevitability of acceptance of shrinking privacy sphere as this process had been running hand to hand with technical development. He reminded that besides development of technologies improving GNSS service itself the mitigation of privacy issues should be in focus of GNSS scientists.

Martin Grzebellus, CEO of NavCert GmbH is convinced that a proper balance between trust and control has to be found. He presented a project of the Netherlands in which the car tax should be replaced by paying for the actually driven kilometers by the car. For this, on board units are necessary to track where the car is going in order to calculate the invoice in the end of the month. To keep the cost as low as possible an open competition has been started meaning that private companies become able to act as service provider. To make the system popular some guarantees were given – the most important to the car owners are that in average nobody will pay more and that privacy will be respected. This is intended to be realized by processing only aggregated data and permitting an access to the trip data in the on board unit OBU by the registered user only. However, Grzebellus admitted that the risk that data are not sufficiently protected, remains. Thus, he summarized that it is fundamental to establish an independent entity to certify the processes of the service provider.

Prof. Dr. Merith Niehuss, President of University FAF Munich (Universität der Bundeswehr München), spoke about social and historical aspects of privacy issues in Germany. Census had had a long history in Germany since 1850. People were usually very honest about the answers. Such information was always anonymous. But a change came around 1968 when dissatisfaction with the state policy graduated and people were not any more prepared to give this kind of information to the government. Censuses were abandoned. The process of Internet spreading changed the course. Private persons and companies are sharing personal data in the internet voluntarily. Linking data from different sources is even more problematic, names, addresses, pictures. Way to access the data is opened now for usage, no matter if we like it or not.



Prof. Dr. Lesley Jane Smith of Weber-Steinhaus & Smith, Bremen focused in her presentation on the fundamental rule of law. She found out that the three estates - government, parliament and citizens - have had become five estates in the digital era. Media & press as well as internet based services have come into play. Whereas



the original estates concern about topics like human rights, equality to international laws or complex data protection laws, the “new” estates have risen questions concerning ownership, editorial liability in the case of media or privacy, security and retention aspects in the case of the internet based services. In order to deal with these new challenges Prof. Smith proposed to define a completely new approach to data regulation. This approach includes an accountability and liability of GNSS information service providers. Nevertheless, she reflected about cultural gaps and the philosophy of the “new” generation who may ask “do I really need or want privacy?” and claimed that privacy can even be a marketable commodity.

Mike Swiek from GPS industry council, Washington D.C., started with stressing the contribution of GNSS to our lives based on combination of position data with telecommunication. The GNSS itself is anonymous as only downlink of information is the case. But to use to chance some compromises must be met. In established legal systems issues involving position information were already tackled. In US the legislation is still under development and is struggling to reach clarity of rules. The wireless association CTIA dealt with the issue already and published best practices exemplifying the possible attitude to the topic. Manufactures are also taking steps in this issue, in their Privacy Statement Document the attitude is usually explained. To sum up, the privacy issues of position information are common to all wireless communications.

Guenter Zeisel, General Manager S.A.S. Group GmbH, Munich, asked the general question “Who is big brother?” in the beginning. In his opinion, everybody can be a big brother in his own way, with those means that are available to him. The technology that currently relies on connections via GSM network nodes and central servers will change significantly. In the future there will be much more peer-to-peer communication, e.g. in order to save hardware efforts. In this direct communication, the potential for big brothers will decrease. Thus, Zeisel stated – not without a wink of his eye – that soon the slogan “Small brother is missing you” may become popular.