



Privacy in the big data era: Has the time arrived to say goodbye to 'privacy as human right'? **Jeffrey Bholasing, KPMG**

More than a century ago, Warren and Brandeis, published their well-known article where they advocated the 'right to be let alone'¹. From this right to be let alone, privacy as human right evolved. In Europe, privacy is recognized as human right with its codification both in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union.

With the rise in (privacy invasive) connecting technologies, the essence of this right to privacy may be the same in the current age, the practical extent however is completely different. Big data is exemplary for the latter.

Big data has many interpretations, but recurring notions in the understanding is the rise of the volume and disparity of data and the speed in which it is generated, aggregated and further processed. In big data applications, often personal data are processed.

In practice, the individual who the personal data concerns, is often not aware of the processing and is not aware or does not agree with the type of processing that occurs as a result of the data aggregations and the results that are derived from it. As a result, this individual is affected in his human right of privacy.

Although privacy is a recognized human right, privacy does not have the same significance for everyone. While some individuals are heavily concerned with the limitations of their privacy with the increase of new privacy intrusive technologies, others react to the privacy debate with "I've got nothing to hide". In addition, more than often, individuals willingly give away (parts of) their privacy, in order to use a service or have a discount for a service or product.

The dissimilarities in attitude towards privacy, demonstrate that the value of privacy differs per person^{1,1}. This preliminary conclusion leaves us to ponder whether privacy as human right should still be maintained in the big data era.

Scope

This paper is a section of the PhD thesis in progress 'Big Data and/or Big Privacy'. In this paper we introduce the tension between big data and privacy.

We firstly describe our understanding of big data. As part hereof, we describe the different definitions that are in use for big data and we present four different use cases to further illustrate our understanding of big data.

Secondly, we elaborate on privacy as human right and how the valuation of this human right can differ between individuals when Big Data applications are in play. In our conclusion we present our provocative thoughts on whether privacy as human right should be maintained in its current form.