



**Data and dignity**  
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On September 11<sup>th</sup> of last year the European Data Protection Supervisor, Mr. Giovanni Buttarelli, published Opinion 4/2015 titled “Towards a new digital ethics. Data, dignity and technology”. The title of the document suggests that a radically new approach – i.e. that of human dignity - should lead to the development of a future-oriented regulation of “the ever-increasing amounts of personal information being collected and processed in increasingly opaque and complex ways”. The document itself demonstrates that a certain degree of urgency is felt towards the issues of the Internet, Big Data and privacy.

According to the EDPS “it is time to deepen the discussion”. Therefore he intends to invite an Ethics Advisory Board composed of stakeholders and experts “to consider the wider ethical implications of how personal data is conceived and used”. Although discussions within this Board have not started yet, the Opinion already offers a framework, consisting of empowered individuals, accountable controllers and innovative privacy engineering. The Opinion does not, however, offer further suggestions regarding the direction the discussion should take.

Not only the EDPS is worried about recent developments. Many people feel uneasy about the 25 years old Internet growing into a genuine advertisement machine as well as a powerful surveillance instrument. The scale of collecting and processing of personal data is increasing rapidly and many “empowered individuals” feel that they lose control over what happens once they give consent to the processing of their personal data, despite accountable controllers and innovative privacy engineering. The starting point of my paper will be that the framework set out in Opinion 4/2015 does not offer sufficient means to take away this growing unease.

Opinion 4/2015 equates human dignity with empowered, i.e. autonomous individuals. I will discuss that digital ethics and human dignity should be more than empowerment and privacy self-management (and compliance!), by introducing the other dimension of dignity into the discussion on Big Data, i.e. human dignity as constraint. The role of human dignity (as constraint) in bio-technology could help us introducing this new perspective in the discussion on commercial use of personal data on the internet. Regulation of medical bio-technology prohibits the trade of human cells, tissues and organs as it is inconsistent with the most basic human values and contravenes the Universal Declaration of Human Rights. The reason for this is that payment for human body parts is likely to take unfair advantage of vulnerable groups of people and leads to profiteering and human trafficking. It conveys the idea that people lack dignity once used by others as mere objects. In my paper I will elaborate on the consequences of introducing the notion of human dignity as constraint into the discussion on Big Data and the protection of personal data. Could a prohibition of personal data commercialism (analogous to a prohibition of transplant commercialism) contribute to a more future-proof regulation of privacy and big data?