

# Digital data under the law

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## 'Data is the new oil': Your personal information is now the world's most valuable commodity

Huge amounts of data are controlled by just 5 global mega-corporations that are bigger than most governments

By Ramona Pringle, CBC News | Posted: Aug 25, 2017 5:00 AM ET | Last Updated: Aug 25, 2017 11:28 AM ET



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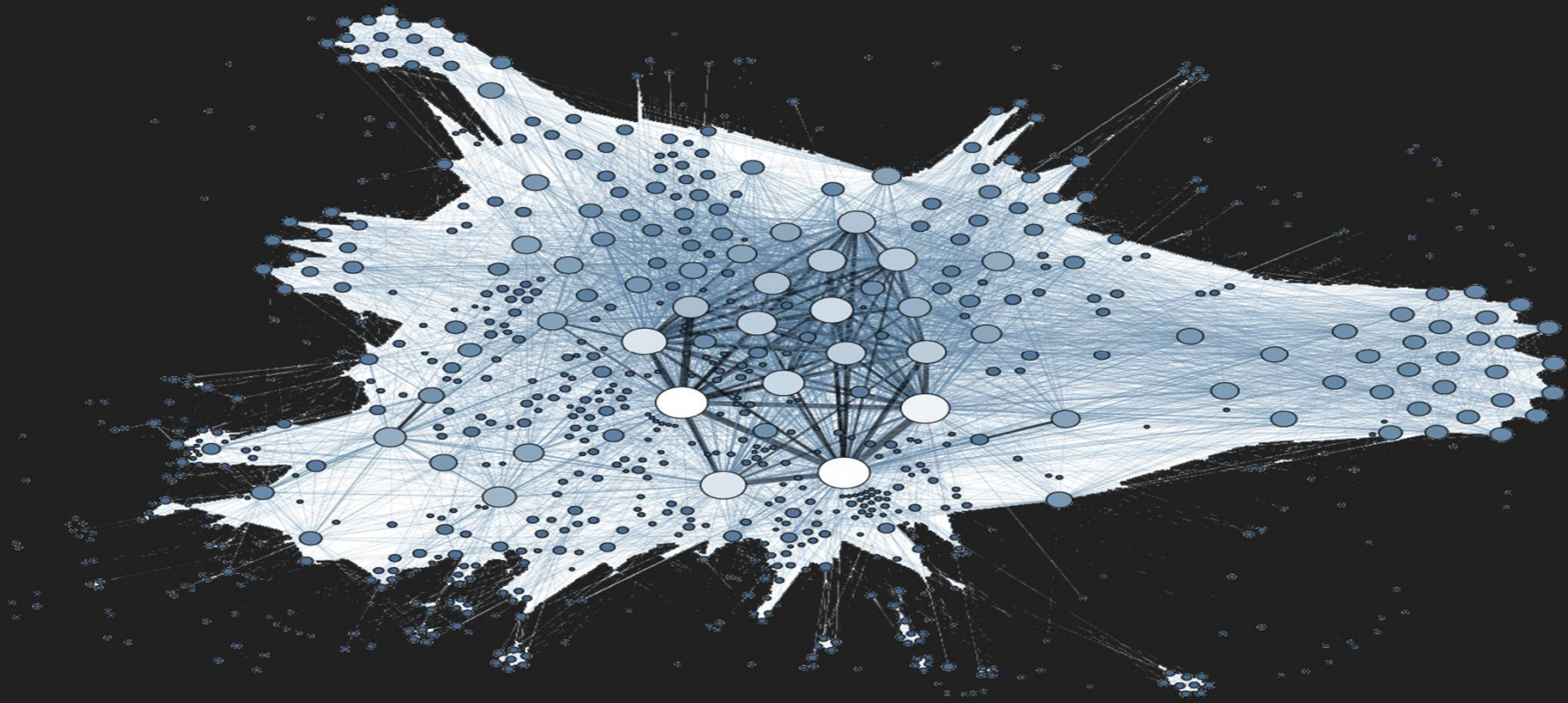
“Extremely large data sets that may be analysed computationally to reveal patterns, trends, and associations, especially relating to human behaviour and interactions.”

Oxford English Dictionary

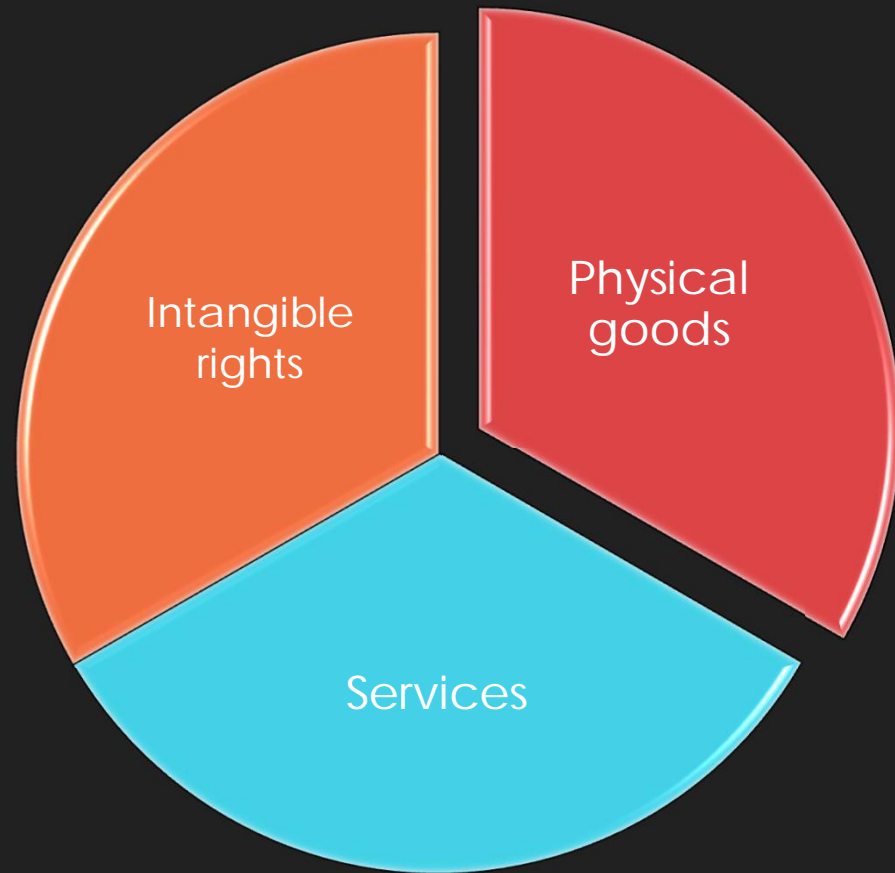




# Pattern recognition



What is data  
under the law?





# Goods

- ❖ Can be owned and sold
- ❖ Physical objects
- ❖ Suitable for possession

Art. 5:1 BW



# Electricity is a good

- ❖ Suitable for possession
- ❖ Controllable by owner
- ❖ Represents value to the owner



HR 23 mei 1921

# Deposit money is a good

- ❖ Paying with deposit money  
= paying with cash



HR 19 april 2005



## Credits are goods

- ❖ Suitable for possession
- ❖ Controllable by owner
- ❖ Represents value to the owner
- ❖ Cannot be duplicated at will

HR 31 januari 2012

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## Virtual objects are goods

- ❖ Suitable for possession
- ❖ Controllable by owner
- ❖ Represents value to the owner
- ❖ Cannot be duplicated at will

HR 31 januari 2012



# Software is not a good

- ❖ Suitable for possession
- ❖ Controllable by owner
- ❖ Represents value to the owner
- ❖ But: can be duplicated at will

HR 3 december 1996

```
...
...
//output info output on file handle?
OUTPUT_BYTE(0x00); //same value
OUTPUT_BYTE(0x01);
OUTPUT_BYTE(0); //same as output
//output upper byte then upper byte
OUTPUT_BYTE(h>>BYTE_SIZE);
OUTPUT_BYTE(l);
OUTPUT_BYTE(w>>BYTE_SIZE);
OUTPUT_BYTE(w);

order1 = order>>4;
order2 = order & 15;

#ifdef TRACE
if (!(fpm = fopen("ppmenc.d
{
    fprintf(stderr, "\n E
    exit(2);
}
#endif

/* allocate 'order+1'
... is used
```



# Intellectual property

- ❖ Copyrights, patents, trademarks, designs, ...
- ❖ Exclusive rights against copying or imitation
- ❖ Can be bought and sold as property
- ❖ Underlying ideas and concepts not covered



# What are Bitcoins?





# Money

- ❖ Any debt can be settled with legal tender
- ❖ Must be done in customary currency and manner
- ❖ May be done through deposit / wire transfer
- ❖ Finance laws require a central issuer

Art. 6:112 BW





**What are  
digital services?**



## Service

- ❖ Any activity that is not a good or intangible right
- ❖ Rudimentary protection under the law
- ❖ No regulations on outcomes of such activities



# Personal data

- ❖ Any data relatable to persons
- ❖ Individual has strong rights to view, correct & delete data
- ❖ Any use requires consent or clear legal ground
- ❖ Personal data is not property

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ment, Acker  
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discipline of the

# inar

and  
family:

... told the Post.

## Targeted killing

But although the bullets hit Castillo's daughters, they seemed to be aimed at Barajas, who was shot fatally in left side of his abdomen, according to Sebastian, a resident who did not want to give his last name for fear of retaliation from the gunmen.

Sebastian lives near the corner of Purdue Street and Georgetown Avenue, right in front of the spot where yesterday blood still stained the street and a forgotten strip of yellow police tape was discarded in the gutter.

Sebastian ran outside as soon as he heard the gunfire and cries for help, but the shooters were already gone. Other neighbors came out of their houses to see what had happened.

They found four people with gunshot wounds lying in the street.

Sebastian and other neighbors went

... violent and frightening, Sebastian said that Barajas' last moments seemed peaceful.

A fourth victim, a man, was also shot in the arm, but was still able to get up and walk around, Sebastian said. Two of the people in the car, including the woman driver, were not shot.

Both Castillo and Sebastian said they didn't think the shooting was gang-related.

"When it's gang related, you don't see bodies in the street," Castillo said.

As Sebastian lit prayer candles at a small memorial on a sidewalk, a group of teens stopped by. One of the girls approached the small patch of dirt where someone had placed two vases of roses, one red and one white, and knelt down to cry. She made the sign of the cross, then walked away and got into a car. As it drove away, rap music blared from inside.

Struggling to keep the candles lit amidst the breeze, Sebastian said that

# The General Data Protection Regulation



# Thank you!

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