

Electronic communication surveillance on entire population and personal data protection

Wesley Yi-hung Weng, author

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Abstrak

ABSTRACT

This essay examines a series of judgements of the Court of Justice of European Union (CJEU), in particular the case of Tele2 Sverige AB and Watson, regarding the litigation derived from laws on surveillance in member states of the European Unions. On the basis of the judgements, this essay aims to comprehend and analyse state electronic surveillance on entire population, e.g., the surveillance on web browsing history and all the other sorts of metadata, without proper privacy and personal data protection safeguards via modern data technologies. In the mentioned judgements the CJEU confirms that, under the Charter of Fundamental Rights of the European Union and EU data protection law, such blanket retention of personal confidential data, including traffic data and s on, is unlawful and mass surveillance programmes are only allowed if they are targeted, e.g., fighting against serious crime, and not implemented on a general and indiscriminate basis. Furthermore, without appropriate safeguards, this essay argues that profiling and automated decision-making technologies can pose significant risks for data subjects' fundamental rights and freedoms.