Summaries

Laura Skouvig: Efter indhentet efterretning. Et historisk rids af overvågning i enevældens København. (Based on obtained intelligence. An Historical Outline of Surveillance in Absolutistic Copenhagen)
Pages: 7-17

This article concerns surveillance in absolutistic Copenhagen at the beginning of the 19th century. The fact that the control with information and surveillance of the population together with the latent critique of that control had fundamentally different grounds than today is a banality. Thus, exactly that is not at stake here. The starting point of this article is the coupling that Michel Foucault established between surveillance and the state production of knowledge about the subject. It is furthered by a discussion on surveillance framed by information history with perspectives to two different cases: information control in Venice and surveillance in Paris in the period between 1500 and 1800. At stake in this article is to identify and discuss how technologies were implied and what kind of technologies were at hand for the absolutistic government in Denmark at the beginning of the 19th century.

Kristin Veel: Intet at skjule og intet at se. Narration og privatliv i Jennifer Egan's Black Box. *(Nothing to Hide and Nothing to See. The Conditions of Narrative and Privacy in Jennifer Egan's Black Box)*
Pages: 19-28

Through a close reading of the Twitter short story *Black Box* by American writer Jennifer Egan, this article explores the configuration of information, narrative, and surveillance in contemporary culture's present condition of data deluge and total surveillance, and its implication for contemporary conceptions of privacy. I argue that this information excess, by which we seem to thrive, prompts a form of narrative negotiation, born not of existentialism, with its focus on the human being and its actions, but instead out of an awareness of the technological context in which we are embedded. This context makes for a conception of privacy as an ongoing negotiation between the contextual and the personal, in which privacy only becomes visible by its very invisibility.

Nanna Bonde Thylstrup: Arkivalske Skygger i den Digitale Tid. (Archival Shadows in the Digital Age)
Pages: 29-39

Through the notion *data shadow* this article examines the ways in which commercial digitization affects memory cultures. The article argues that commercial digital cultural memory archives such as Google Books consists of two memory levels: a "front-end" level, where the user is given access to historical works, and a "back-end" level, where the user's own past is saved as a data shadow, but where the access to this shadow is given only to Google. Cultural memory institutions that have hitherto primarily been concerned with giving full access to the past through Google Books, should therefore in the digital commercialized age also consider the implications their cooperation has for users' privacy.

Lars Bo Langsted & Søren Sandfeld Jakobsen: I en højere sags tjeneste. Afvejningen mellem overvågning og privatliv i en retlig kontekst. (In a higher cause. The balance between surveillance and privacy in a legal context)
Pages: 41-61

The article deals with some of the basic issues, rules, principles and considerations applicable when the state or private companies conduct surveillance of citizens and thus infringe the citizens' fundamental right to privacy. The legal dogmatic method is applied and special focus is on the digital monitoring. It is concluded, among other things, that the rules and case law recognize that there might be situations where there are interests more important than the right to privacy and thus can give way to surveillance. To avoid that these exceptions to the rule are exploited for a bland and all-embracing carte blanche to the authorities to conduct surveillance, the courts have established a number of requirements which must be fulfilled, not only by legislator when the rules are designed, but also by the responsible authorities when the rules are enforced. The legal position is, however, far from clear, and there is thus a need for further research in this area.

Peter Blume: Overvågning. Kan persondataretten gøre nytte? (Surveillance. Is Data Protection Law beneficial?)
Pages: 63-81

The starting point is a consideration as to what privacy with respect to information is. This is not fully evident but the main features are the individuals' ability to have control and to be alone. Privacy is conceived as a positive value but this is generally dependent on the political values of the society in question and the importance of privacy is vastly influenced by the current information technology. Privacy is not a constant value and should not be taken as granted. Today's society is open to surveillance, and digital technology has made the individual person vulnerable and transparent. In particular the internet is viewed as both a blessing and a curse. Surveillance has become an accepted way of life. The exact nature of a specific kind of surveillance must be understood and evaluated taking its purpose, its means, its location and the characteristics of the surveillance parties into account. In the digital world data security is main method used to prevent or limit surveillance. The individual person is dependent on the security measures applied by the data controller who will be likely to take costs into account when determining the level of security. It is furthermore highlighted that most data controllers have an insignificant knowledge of the technology and are in practice dependent on others who actually apply the security measures and also on outside data processors who actually processes the personal data. In many ways the controller is not in control. Current and future data protection law is then discussed as data protection is the main legal contribution to the securement of privacy in the digital world. In particular the basic legal principles, including proportionality, are outlined. The general observation is that data protection law may make surveillance less privacy invasive and also more transparent but that this legal regime cannot prevent surveillance taking place but at the best can limit the extent of surveillance. Against this background the article then focuses on The Data Protection Regulation which was presented by the European Commission January 2012 and which is expected to be passed in 2015 or 2016. The Regulation will substitute the current Data Protection Directive (1995) and also the data protection statute (2000). The main purpose of the Regulation is to increase harmonization within the EU and thus recognizing the international nature of much personal data processing. It is in particular observed that the Regulation is based on the traditional regulatory method, i.e. that the rules are addressed to the data controller and that it is the actions of the controller that ensure the protection of data subjects. Accordingly, the Regulation, although it includes some new rights, will not lead to any significant empowerment of the individual person (data subject). However, the Regulation emphasizes the importance of data security and imposes a future oriented approach to security by stating the principles of privacy by design and by default. It furthermore recognizes that the actual level of protection depends on the behavior of the individual data controller and imposes an obligation to appoint a local data protection officer to ensure that the data protection rules are respected in practice. This model will increase the possibilities of efficient control conducted by the supervisory authorities. Rules on breach notification are also viewed as an improvement. Finally it is observed that modern digital surveillance is often non transparent for citizens but there is no doubt that it significantly reduces privacy, and that privacy is constantly endangered in our digital world.