



UNIVERSITY OF
TORONTO
Identity, Privacy & Security Institute

SEMINAR ANNOUNCEMENT

Monday November 24, 2014

12:00 noon

Room MC252 (5 King's College Road)

Professor Avner Levin

Ryerson University

***“Losing the Battle but Winning the War?
The Shift in Privacy Regulation from Collection to Use and its
Implications”***

Abstract: The magnitude of the American National Security Agency's (NSA) surveillance programs, and the continued development of 'Big Data' initiatives, necessitate a review of traditional privacy protection principles and their adequacy. Ironically, the Organization for Economic Co-operation and Development (OECD) completed in 2013 the first revision to the OECD data protection principles in thirty years. The timing presented an opportunity for more radical revisions. The Oxford Internet Institute has proposed "Data Protection Principles for the 21st Century", meant to address the privacy concerns around "big data", that offer an interesting response to the challenge posed to the principles of data protection by widespread surveillance and information collection. The Oxford proposal views the notice and consent model at the heart of existing data protection legislation as unable to cope with the challenges posed by big data analytics. In order to compensate for this perceived weakness, the Oxford Principles place increased responsibility on data collectors and users of data, and strengthens the principles that govern and restrict data use.

The Oxford principles have been the subject of some controversy and perhaps misinterpretation since their release late in 2013. They, together with the lessons already learnt from the NSA revelations, indicate that the valiant battle to limit the collection of personal information is lost, and has been lost for some time. Limiting the collection of personal information is one of the principles at the heart of Canada's personal information legislation, as well as the OECD and other jurisdictions, and so such an argument is disheartening, to say the least. However, it is possible that the 'war' over privacy, if such a term can be used, will be fought and hopefully won over another fundamental principle of data protection law – that of limiting the use of personal information. This lecture will discuss the promise, and the risk, of the Oxford Principles and their potential

applicability to Canada and to online information in general.

Dr. Avner Levin is an Associate Professor at the Ted Rogers School of Management, and Chair of the Law & Business Department. He heads Ryerson University's Law Research Centre which focuses on research related to law and legal education. He is also the Director of the Privacy and Cyber Crime Institute, a centre for research related to privacy and cybercrime. During the 2012-2013 academic year Professor Levin served as Ryerson University's Interim Vice-Provost of Faculty Affairs and as Interim Assistant Vice-President of Human Resources. He is an alumnus of Tel-Aviv University, holding a B.Sc. and LL.B. degree, and of the University of Toronto, holding an LL.M. and S.J.D.

Professor Levin's research interests include the protection and legal regulation of personal and private information, both locally and internationally. Among his recent research areas are social media, online advertising, the workplace, mobile devices, corporate risk management, electronic health records and the smart electricity grid. He has been a recipient of funding from the Office of the Privacy Commissioner of Canada, Public Safety Canada and Industry Canada.

Professor Levin has published his work in journals such as the American Business Law Journal, the Canadian Journal of Law and Society, the International Journal of Information Security and the Journal of Entertainment and Technology Law. He is the co-author, with Mr. Howard Simkevitz of the "The Law of Employee Use of Technology" and is a frequent commentator on these topics in the media.