

**Key Themes: Policy Forum Face-to Face Meeting, Privacy as Contextual Integrity
5-6 June 2009, Prague, Czech Republic**

- Europe is further ahead of the US in thinking about how data and the flow of information should be regulated
- The US privacy structure is ill formulated and has been developed in response to a security imperative
- There is constant tension between the needs of security and the right to privacy
- The threat to privacy posed by biometric technologies is not with the technology *per se*, but with how it's applied
- The public is concerned about function creep, large data bases, and the use of data bases for profiling purposes
- There are legitimate circumstances when homeland security and law enforcement officials cannot obtain informed consent to collect and use personal information. However, governance mechanisms need to be in place to ensure that the public knows what data are being collected and for what purposes.
- Proportionality is a key imperative to ensure that the use biometric applications is justifiable
- There currently is little regulation of the use of biometric technologies
- Privacy is not about only special or physical dimension, but also about the exercise of power over individuals and their bodies
- One way to conceptualize privacy is to define it as something very basic, constituent in our biology, in how our brain works
- We need privacy as a negative right – something based on the notions of individual and democratic liberties
- In the context of biobanks for research, an expansive view of individual autonomy would permit people to give broad consent for research with their biospecimens
- In the context of law enforcement, there should be limitations on the collection, use and storage of DNA samples and greater transparency regarding law enforcement DNA databases
- Claims about the need for DNA samples for law enforcement purposes should be evidence-based, which ties in with the need for proportionality. In the UK, for example, having a larger DNA database hasn't actually led to a justifiable improvement in hits that lead to matches and then to convictions.
- When considering privacy concerns and biometric technologies, it may be useful to consider whether privacy and biometrics is agent-related, interest-related, or whether it is agent-neutral (protects others, family members, or a structure of power in society).
- When considering privacy in the context of national security, is security a value, or is it a fundamental right?
- Is it important to distinguish between biometrics for security purposes and other ones?
- What is the value of privacy?
- In the context of national security, the veil of secrecy makes it difficult to evaluate the legitimacy and proportionality of data collection