

Identifying Drug Labs by Analysing Sewage Systems

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Who is Bart van der Sloot

- Bart van der Sloot specializes in the area of Privacy and Big Data. He also publishes regularly on the liability of Internet Intermediaries, data protection and internet regulation. Key issues are the recently adopted General Data Protection Regulation, international data flows, especially between Europe and the United States, and data leaks. Bart van der Sloot has studied philosophy and law in the Netherlands and Italy and has also successfully completed the Honours Programme of the Radboud University. He currently works at [the Tilburg Institute for Law, Technology, and Society of the University of Tilburg, Netherlands](#).
- Bart formerly worked for the Institute for Information Law, University of Amsterdam, and for the Scientific Council for Government Policy (WRR) (part of the Prime Minister's Office of the Netherlands) to co-author a report on the regulation of Big Data in relation to security and privacy. In that context, he served as the first editor of a scientific book with contributions by leading international scholars and as the first author of an international comparative study on the regulation of Big Data.
- Bart van der Sloot is the general editor of the international privacy journal [European Data Protection Law Review](#). And board member of the [European Human Rights Cases](#).
- Bart van der Sloot is also the coordinator of the [Amsterdam Platform for Privacy Research \(APPR\)](#), which consists of about 70 employees at the University of Amsterdam who in their daily teaching and research activities focus on privacy-related issues. Previously, he was the chief organizer of two major international privacy conferences, namely the Amsterdam Privacy Conference 2012 and the Amsterdam Privacy Conference 2015 with speakers like Viktor Mayer-Schönberger, Helen Nissenbaum, Max Schrems, Amitai Etzioni, Jullie Brill and Gabriella Coleman and will organise the [Amsterdam Privacy Conference 2018](#). He is also a member of the Privacy & Identity Lab.

APC 2018



EDPL Young Scholars Award



Interactive debate

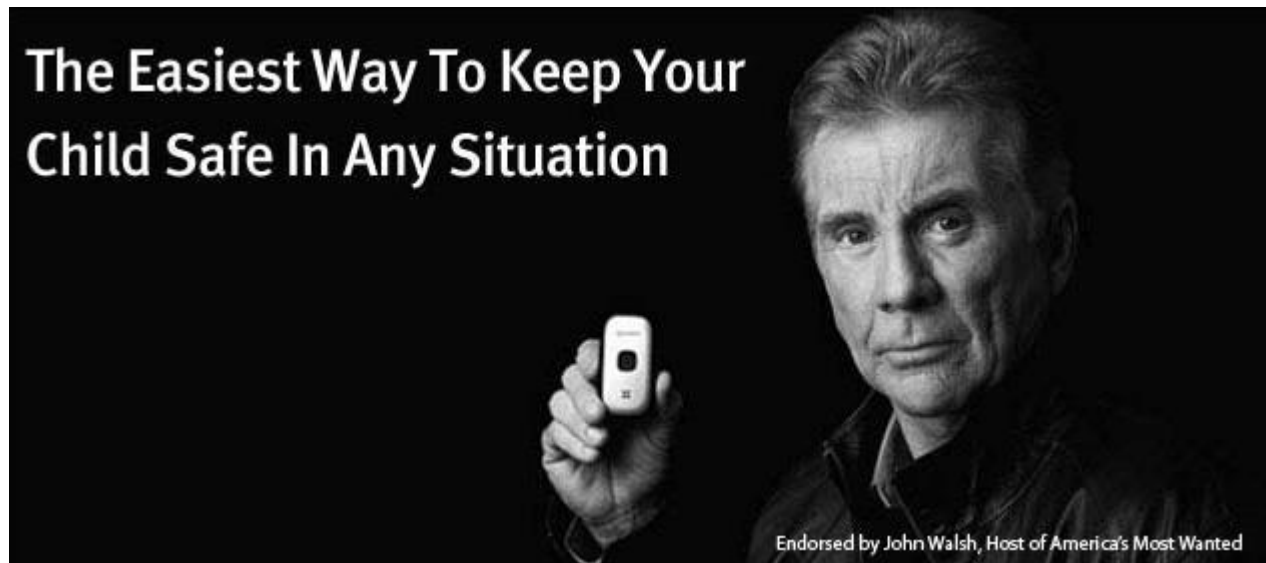
Question 1



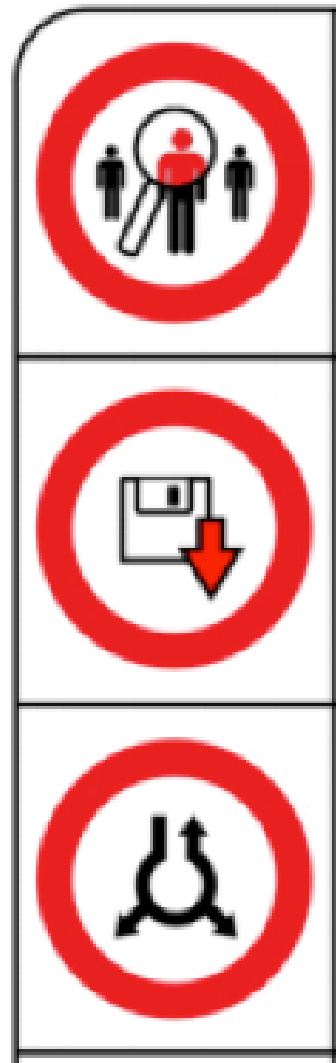
Do you trust the state to protect your privacy?

Question 2







- A mother suspects that her 15 year old son is smoking pot.
- Should she search his room, read his mails and place a tracking device on his telephone so as to keep track of his movements?



Icons



Icons

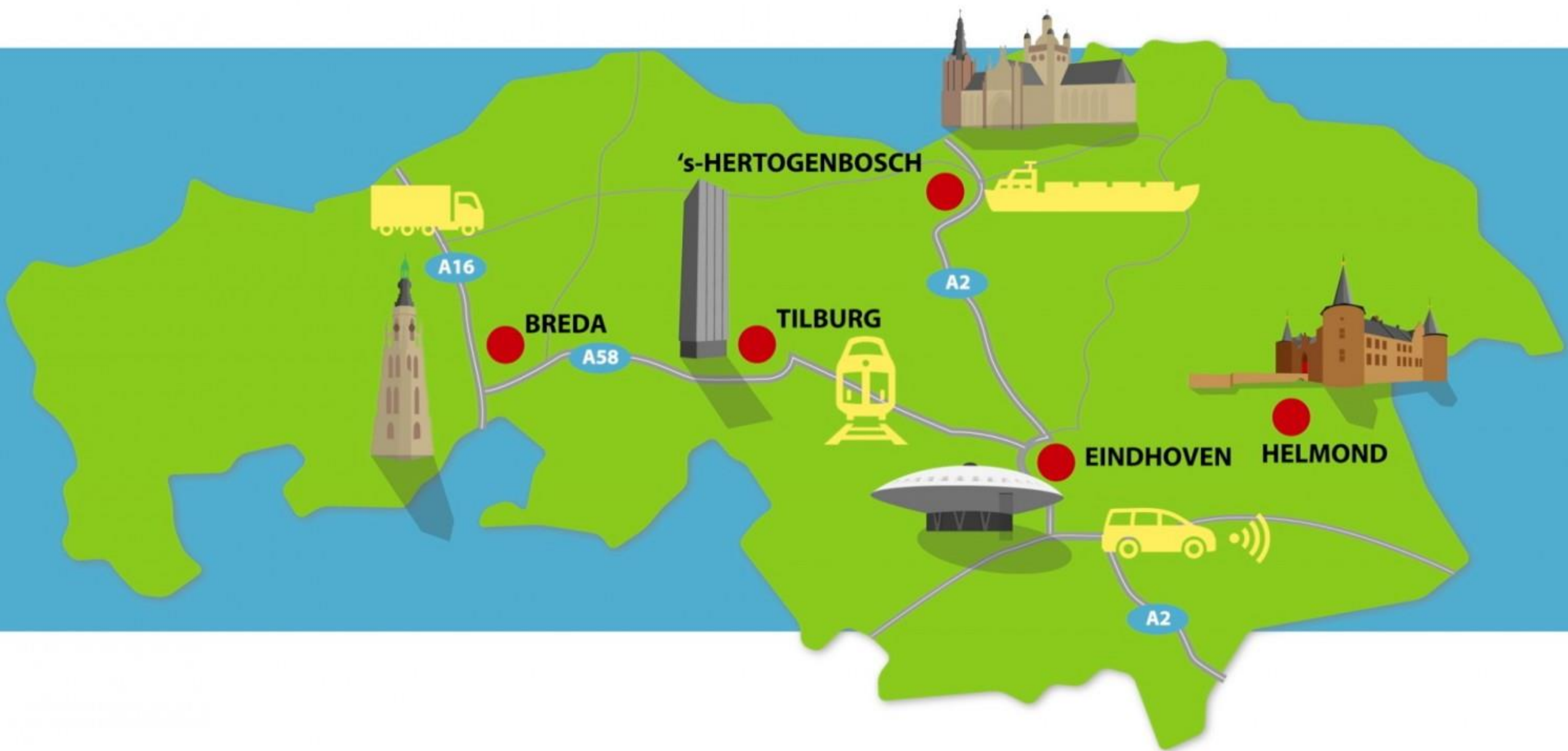
	No personal data is collected beyond the minimum necessary for each specific purpose of the processing		No personal data is disseminated to private third parties for purposes other than the purpose it was provided for
	No personal data is retained beyond the minimum necessary for each specific purpose of the processing		No personal data is sold
	No personal data is processed for purposes other than the purpose it was provided for		No personal data is retained in unencrypted form

Thesis

Privacy is dead, get over it

Identifying Drug Labs by Analysing Sewage Systems















A close-up photograph of a cannabis plant, showing several green, serrated leaves. The leaves have a palmate shape with multiple leaflets. The background is dark and out of focus, emphasizing the vibrant green of the foliage.

Marijuana



Coincidence
is
Logical



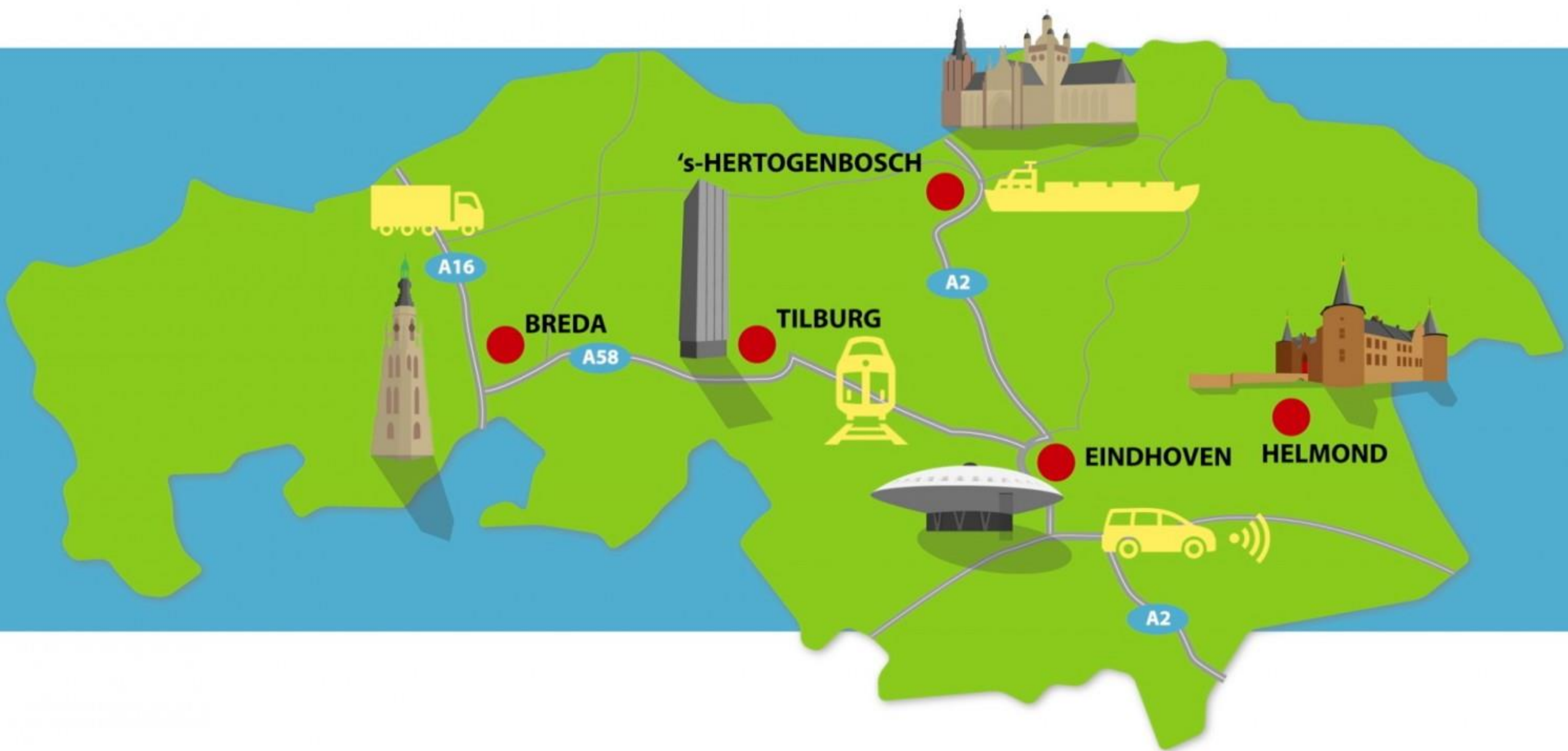
















Before I
make a
mistake, I do
not make it



← LEGAL

ILLEGAL →

Addiction

There is a way out













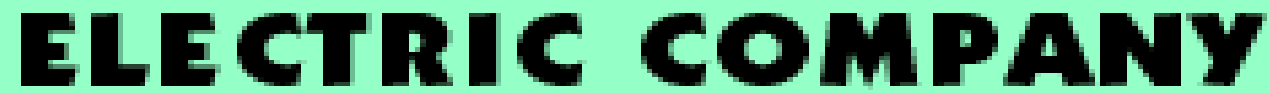
Often,
something
must happen,
before
something
happens











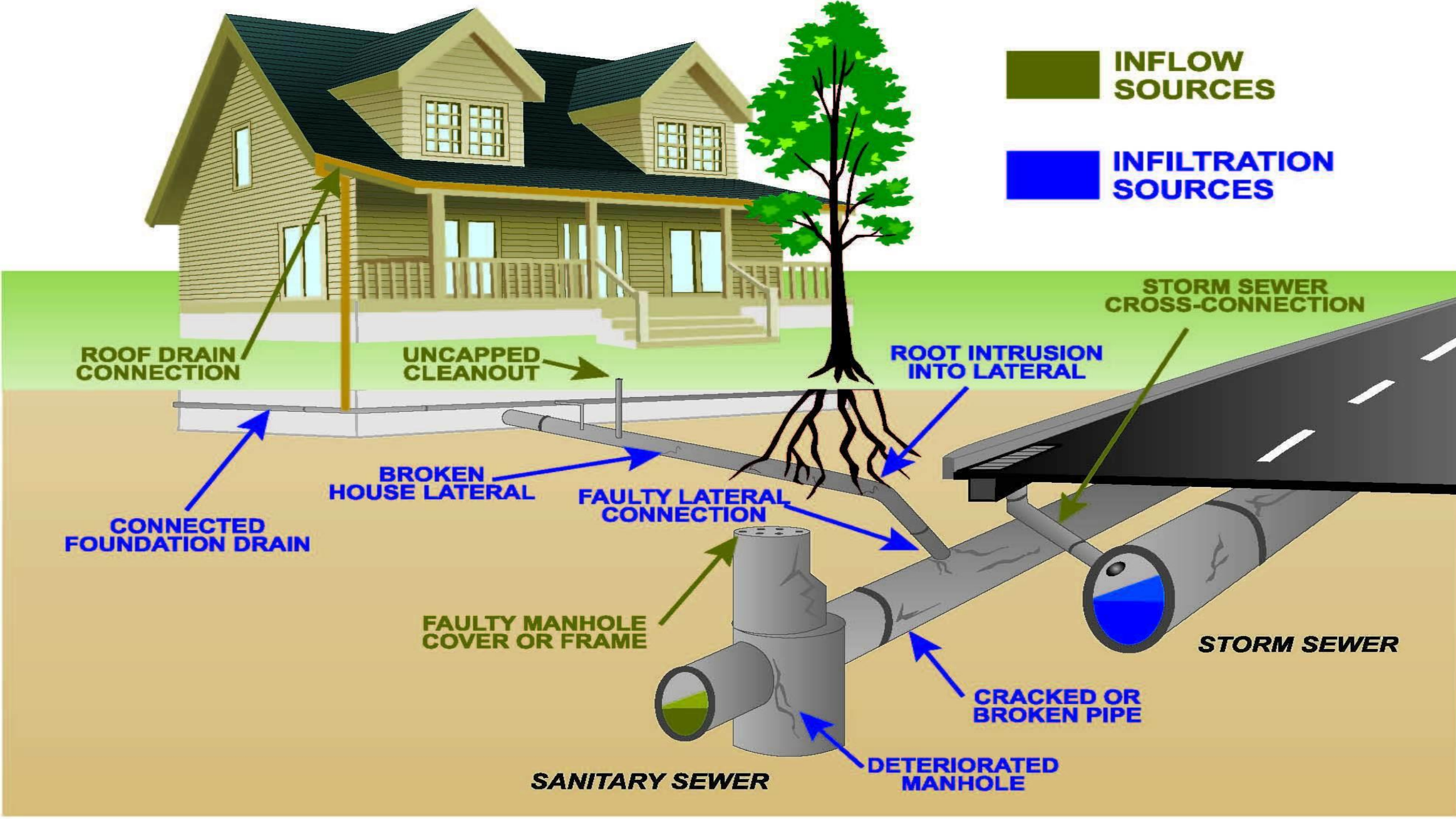
P.O. BOX 123, Anytown, USA

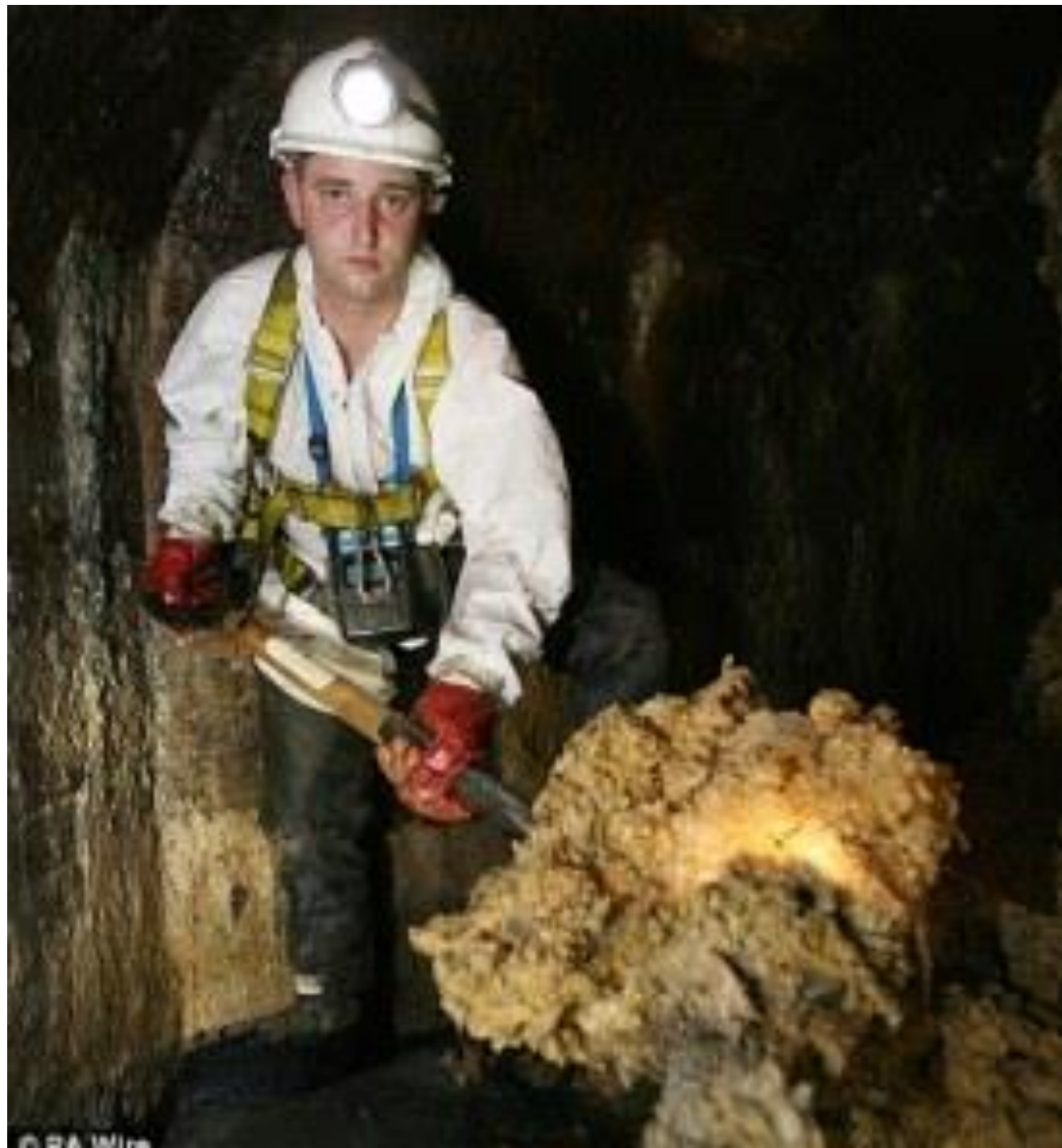
	\$ AMOUNT
CUSTOMER CHARGE	\$10.00
ENERGY CHARGE: (1,440,600X \$ 0.005KWH)	\$57,624.00
FUEL COST ADJUSTMENT (\$ 0.005): (1,440,600 X \$ 0.005KWH)	\$7,203.00
DEMAND CHARGE: (440 kWx \$ 5kW)	\$2,200.00
POWER FACTOR PENALTY: (440 kWx \$ 5kW)	\$800.00
SALESTAX - STATE: (4%):	\$2,713.48
SALESTAX - SPECIAL: (1%)	\$678.37
TOTALAMOUNT DUE:	<u>\$71,228.85</u>

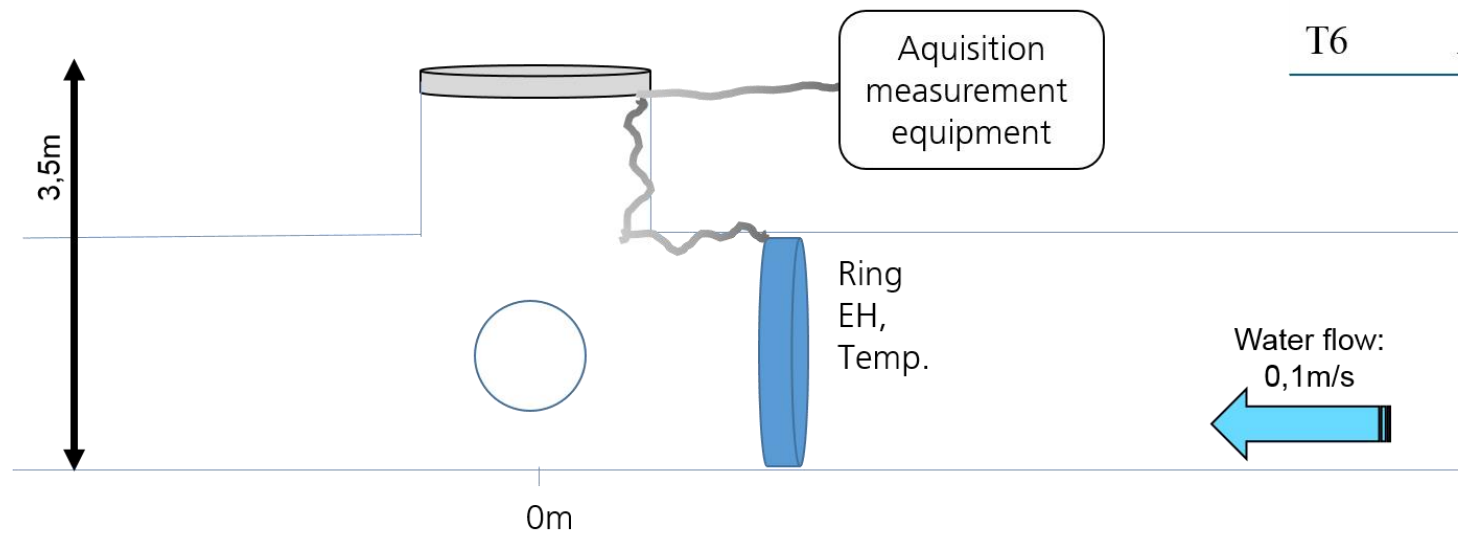


If you are on
the offense,
you don't
have to
defend

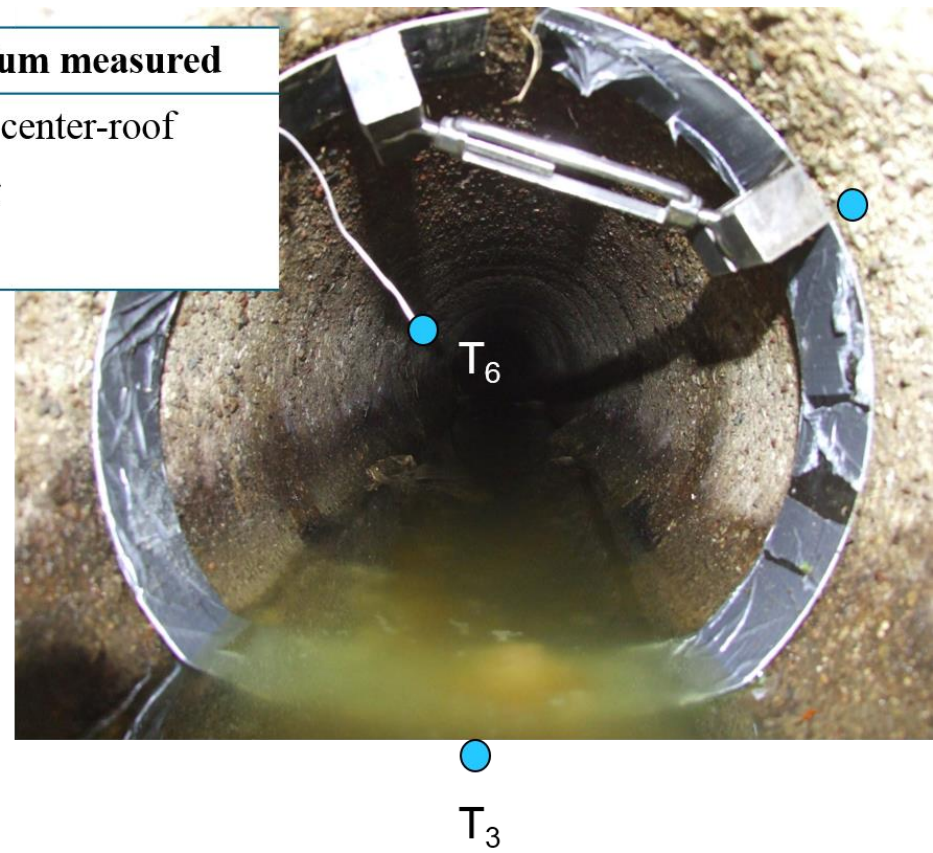


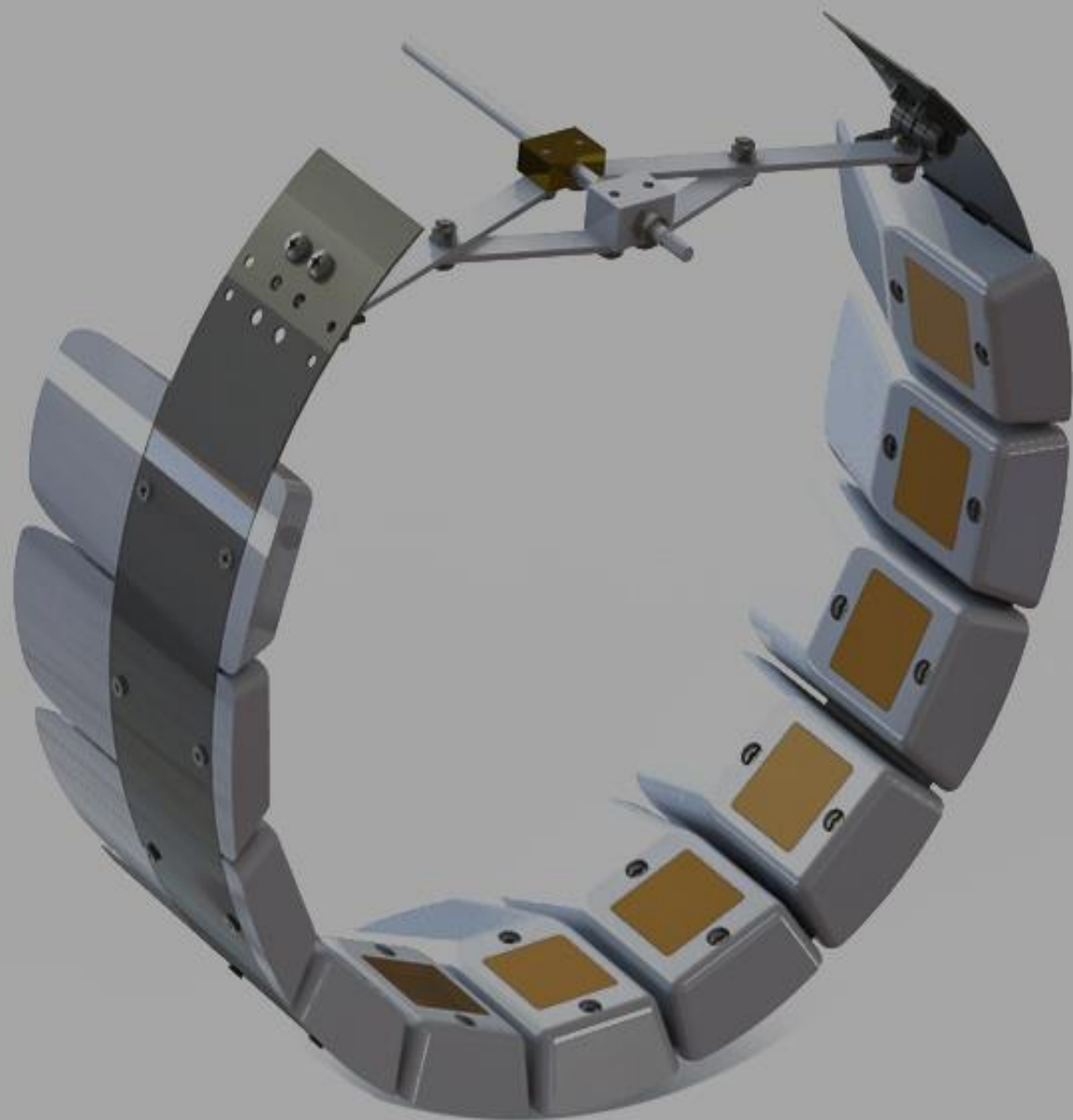






T	Medium measured
T1	Wall, center-roof
T3	Water
T6	Air



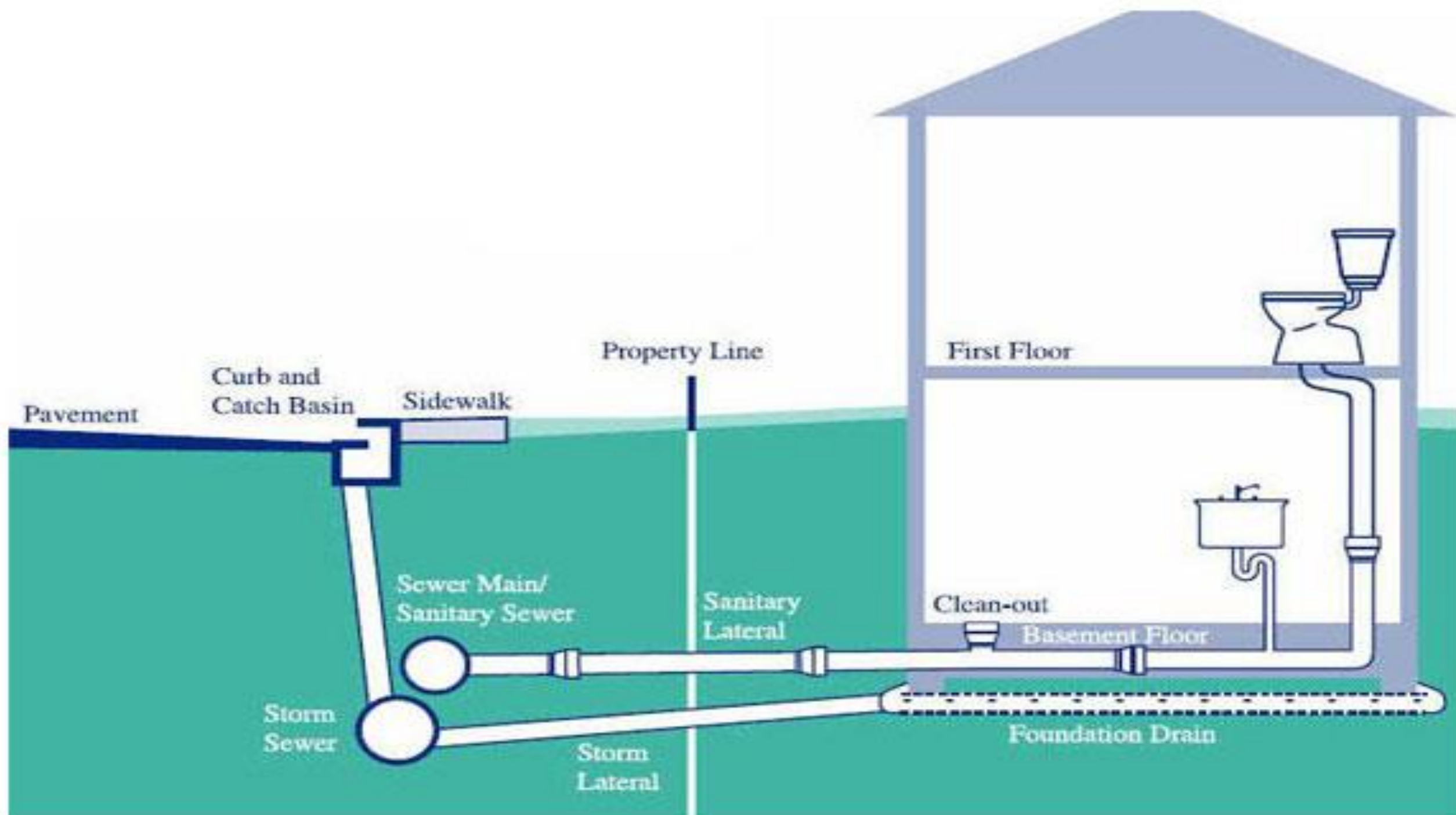




Experience:
you have it
or you don't











You only see
it when you
get







CRIME SCENE -

EVIDENCE

TO BE OPENED BY AUTHORIZED AGENTS ONLY
DO NOT OPEN THIS BAG WITH EVIDENCE THAT IS WET OR DAMP

NOT CR

Description of Offense

Victim's Full Name

Suspect's Full Name

Evidence Recovered By

Evidence Bag Sealed By

Item #

Time Sealed

Cell #

CHAIN OF CUSTODY

AM PM
Fax #

DATE

FOR AGENCY D3 LAB ONLY
UPON RECEIPT: SEALED OTHER

RECEIVED BY
DATE

CONDITION OF EVIDENCE

D3 LAB CASE #

OPENED BY

NOTES



You can play
well,
without
kicking the
ball

Legal questions

- Personal data
- Bodily integrity
- Waste
- Home
- Surveillance
- Chilling effect

Personal data

- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA
Article 3(1) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

Bodily material

- 3(12): 'genetic data' means personal data, relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;
- 3(13): 'biometric data' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;
- 3(14): 'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;



Data Protection Rules

- Article 4: Principles relating to processing of personal data
- Article 8: Lawfulness of processing
- Article 10: Processing of special categories of personal data
- Article 11: Automated individual decision-making
- Article 12: Communication and modalities for exercising the rights of the data subject

European Convention on Human Rights

- Article 8
- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Bodily integrity

- In the ECHR, bodily integrity is protected predominantly under Articles 2 and 3 ECHR. Still, the bodily and psychological integrity of a person, especially in the medical sphere, are primarily discussed under the scope of Article 8 ECHR. For example,
- compulsory tuberculin test
- chest x-rays
- vaccination schemes
- gynecological examinations
- medical treatments
- being forced to share an environment where smoking is allowed
- disciplinary measures and punishments inflicted by a school
- psychiatric examination ordered by a Court
- the requirement that a prisoner produce a urine sample
- a compulsory medical intervention
- the right to euthanasia
- the right to abortion

Bodily integrity

- Are excrements also protected by one's bodily integrity?
- Are they comparable with bodily tissue?

Principles to be taken into account

- Legality
- Legitimate interest
- Necessity
- Proportionality
- Subsidiarity
- Effectiveness

Garbage



Source of information



Garbage and excrements

- To what extent can garbage excrements be compared?
 - Res nullius?
 - Freedom to dispose?

Mass surveillance

- Zakharov v. Russia
- The Court held that there had been a violation of Article 8 of the Convention, finding that the Russian legal provisions governing interception of communications did not provide for adequate and effective guarantees against arbitrariness and the risk of abuse which was inherent in any system of secret surveillance, and which was particularly high in a system such as in Russia where the secret services and the police had direct access, by technical means, to all mobile telephone communications. In particular, the Court found shortcomings in the legal framework in the following areas: the circumstances in which public authorities in Russia are empowered to resort to secret surveillance measures; the duration of such measures, notably the circumstances in which they should be discontinued; the procedures for authorising interception as well as for storing and destroying the intercepted data; the supervision of the interception. Moreover, the effectiveness of the remedies available to challenge interception of communications was undermined by the fact that they were available only to persons who were able to submit proof of interception and that obtaining such proof was impossible in the absence of any notification system or possibility of access to information about interception.

Mass surveillance

- Szabo & Vissy v. Hungary
- In this case the Court held that there had been a violation of Article 8 of the Convention. It accepted that it was a natural consequence of the forms taken by present-day terrorism that governments resort to cutting-edge technologies, including massive monitoring of communications, in pre-empting impending incidents. However, the Court was not convinced that the legislation in question provided sufficient safeguards to avoid abuse. Notably, the scope of the measures could include virtually anyone in Hungary, with new technologies enabling the Government to intercept masses of data easily concerning even persons outside the original range of operation. Furthermore, the ordering of such measures was taking place entirely within the realm of the executive and without an assessment of whether interception of communications was strictly necessary and without any effective remedial measures, let alone judicial ones, being in place. The Court further held that there had been no violation of Article 13 (right to an effective remedy) of the Convention taken together with Article 8, reiterating that Article 13 could not be interpreted as requiring a remedy against the state of domestic la

Mass surveillance of sewage

- To what extent can sewage monitoring be compared to mass surveillance over the internet or with respect to telephone communications?

Chilling effect

- Chilling effect is a term in law and communication that describes a situation where a speech or conduct is suppressed by fear of penalization at the interests of an individual or group. It can affect one's free speech. It can also have an impact on one's sense of privacy.

Chilling effect



Sewage monitoring and chilling effect

- Would sewage monitoring have a chilling impact?
 - Usage of drugs in private?
 - Other activities?



Players are
influenced.
People are also
influenced. And
players are
influenced by
people. But that
is logical.

Overview

- Is sewage monitoring legal?
 - Personal data
 - Bodily integrity
 - Waste
 - Home
 - Surveillance
 - Chilling effect
- We do not know....yet



Italians will
never win
from you,
but you can
lose to
them.

Questions

