

“Personal & Corporate Data Privacy: Convergence of Vulnerabilities”

by William Ting

Personal data privacy has been occupying the attention of regulators, policy-makers and the media. With the imminent roll-out of the EU’s GDPR next May, the mainstream literature is replete with discussions on the need to protect the privacy of personal data in the hopes of increasing public awareness. Privacy organizations like the IAPP and various think tanks like EPIC have been focusing on the importance of protecting an individual’s right to privacy of his or her personal details. Yet in contrast with the rising concern about protecting the data of consumers and natural persons, the needs of corporate entities to protect the privacy of their corporate data, many of which are proprietary, have gone relatively under-reported. Therefore the privacy dialogue has traditionally focused on the right of an individual to keep his or her data private.

One key developing factor is changing the classic divide between personal and corporate data privacy: emerging technologies. Today’s society has been experiencing unprecedented levels of change driven by technological developments. In the world of communications alone, advances in how humans relate and interact with one another through the use of advanced hardwares and digital softwares would certainly be mind-blowing to our grandparents. No doubt, such technological advances have benefited society enormously, yet they present enormous challenges to protecting the privacy of individuals and companies as we head further into the 21st century.

Through the use of a recent case study, Sony’s invention of contacts lens with recording and storage capabilities for which a patent granted by the U.S. Patent & Trademark Office was granted in April 2016, the presentation will show the convergence of personal and corporate privacy vulnerabilities, with focus on the below issues:

- how the rise of innovative emerging technologies threatens both individual and corporate privacy;
- examine the types of privacy vulnerabilities for individuals caused by emerging technologies;
- examine the types of privacy vulnerabilities for corporations caused by emerging technologies;
- trace the ensuing convergence of these vulnerabilities to analyze whether the current practice of keeping personal data privacy distinct from corporate data privacy remains tenable;
- examine the current regulatory approach to the protecting individual and corporate data privacy and whether such approach remains tenable in light of emerging technologies;
- implications for policy-makers and how privacy regulators should protect both the privacy interests of individuals and corporate entities under a new evolving paradigm; and
- explore how competing policy principles (such as free speech) would impede treating equally the privacy interests of individuals and corporate entities.