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### A Time of Turmoil

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## Editorial

### A time of turmoil . . .

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The opening text (the ‘crawl’) of the first movie in the *Star Wars* Prequel Trilogy—*Episode 1: The Phantom Menace*—opens with the sentence: ‘Turmoil has engulfed the Galactic Republic.’ And given the current state of data privacy law, and the fact that *Star Wars Episode 7: The Force Awakens* has just premiered at the time of writing, it is natural to make the connection—turmoil has truly engulfed the data privacy world at the moment.

Much has happened, and is happening, around the world. But even if we restrict ourselves to the EU context, 2015 saw some very dramatic developments. During 2015, we got to witness the aftermath of the so-called *Google Spain*—‘right to be forgotten’—judgment of the Court of Justice of the EU. The future of developments, not least as to the jurisdictional scope of right to be forgotten delistings, is clouded and difficult to predict, with long-term implications that are yet to come. And then, there was the Court’s *Weltimmo* judgment—a landmark decision with potentially huge implications for applicable law and jurisdiction.

And yet, both these judgments have been overshadowed by the CJEU’s Safe Harbour decision in the case *Schrems v Data Protection Commissioner* of 6 October 2015, in which the CJEU held that the European Commission’s decision that the ‘Safe Harbour’ scheme provided adequate protection for transatlantic data transfers was invalid. Finally, perhaps the biggest news of the year was the December announcement that a political agreement had been reached on the EU’s General Data Protection Regulation in the so-called trilogy between the European Parliament, Council, and Commission.

Year 2016 will doubtlessly see further turmoil, and it will no doubt be some time before stability returns to the data privacy galaxy. This continuing turmoil may perhaps represent an opportunity for data privacy professionals, but it brings a time of considerable adjustment for data controllers, data processors, regulators, and individuals all over the world.

In the midst of all this turmoil, *International Data Privacy Law* has entered its 6th year. In the first 5 years, we published 110 full length articles, 8 Tomorrow’s Privacy, 12 comments, and 14 book reviews totalling in 1522 pages of content (when we include the Editorials that accompany every issue). We have had authors from North America, South America, Africa, Asia, Australia, and Europe, and while articles dealing with data privacy issues feature in a variety of journals these days, we have been one of the few journals to provide a truly international coverage publishing detailed articles on privacy law, eg in various African countries. Our authors include privacy professionals, academics, and policymakers as well as practising lawyers and judges, and our readers are even more diverse. We have published four special issues; the first two (Vol. 2, No. 4 and Vol. 4, No. 1) dealing with systematic government access to private-sector data, the third (Vol. 4, No. 4) focussed on the EU data protection reform, and the fourth (Vol. 5, No. 4) addressing the topic of extraterritoriality in EU data protection law. We are pleased that they have all been well received, and we plan to publish further special issues in the future.

While we can provide metrics showing their popularity, it is not possible to reliably assess which of the articles we have published have had the greatest influence or significance. And in fact, attempts at making such an assessment are both bound to fail and are of questionable utility. After all, there is an endless range of options for how such statistics may be presented, and it is impossible to predict the articles’ future impact. However, using the bluntest statistics available to us—cumulative download statistics—of the articles (including editorials) made available for free on the OUP website (typically, one article per issue is made freely available on the web, as are all editorials), Table 1 can be presented.

And amongst the articles available only through subscription, we see the ‘top list’ measured by the number of downloads in Table 2.

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**Table 1** The top 10 most accessed articles and editorials—when freely available

	Author(s)	Title	Year	Volume and issue
1	Omer Tene	Privacy: The new generations	2011	1.1
2	W. Kuan Hon, Christopher Millard, and Ian Walden	The problem of ‘personal data’ in cloud computing: what information is regulated?—The cloud of unknown	2011	1.4
3	Christopher Kuner, Fred H. Cate, Christopher Millard, and Dan Jerker B. Svantesson	The challenge of ‘big data’ for data protection	2012	2.2
4	Lokke Moerel	Back to basics: when does EU data protection law apply?	2011	1.2
5	Lokke Moerel	The long arm of EU data protection law: Does the Data Protection Directive apply to processing of personal data of EU citizens by websites worldwide?	2011	1.1
6	Juliane Kokott and Christoph Sobotta	The distinction between privacy and data protection in the jurisprudence of the CJEU and the ECtHR	2013	3.4
7	Graham Greenleaf	Promises and illusions of data protection in Indian law	2011	1.1
8	Ian Brown	Government access to private-sector data in the United Kingdom	2012	2.4
9	Ira S. Rubinstein	Big Data: The end of privacy or a new beginning?	2013	3.2
10	Fred H. Cate, James X. Dempsey, and Ira S. Rubinstein	Systematic government access to private-sector data	2012	2.4

**Table 2** The top 10 most accessed articles—when behind access control

	Author(s)	Title	Year	Volume and Issue
1	Fred H. Cate and Viktor Mayer-Schönberger	Notice and consent in a world of Big Data	2013	3.2
2	K. Krasnow Waterman and Paula J. Bruening	Big Data analytics: risks and responsibilities	2014	4.2
3	Marion Oswald	Mandatory reporting of child abuse—necessary medicine for ‘nervous Nellies’ or a remedy too far?	2015	5.1
4	Khaled El Emam and Cecilia Álvarez	A critical appraisal of the Article 29 Working Party Opinion 05/2014 on data anonymization techniques	2015	5.1
5	Marie-Helen Maras	Internet of Things: security and privacy implications	2015	5.2
6	Bart van der Sloot	Do data protection rules protect the individual and should they? An assessment of the proposed General Data Protection Regulation	2014	4.4
7	Charlotte Bagger Tranberg	Proportionality and data protection in the case law of the European Court of Justice	2011	1.4
8	Maria Tzanou	Data protection as a fundamental right next to privacy? ‘Reconstructing’ a not so new right	2013	3.2
9	Peter Leonard	Customer data analytics: privacy settings for ‘Big Data’ business	2014	4.1
10	Rolf H. Weber	Transborder data transfers: concepts, regulatory approaches, and new legislative initiatives	2013	3.2

**Table 3** The most commonly used keywords

Keyword
Australia
Big data
Biometrics
Cloud computing
Consent
EU
Extraterritoriality
General Data Protection Regulation
Health data
Human rights
(Public) international law
Jurisdiction
Personal data
Privacy impact assessment
Reform
Right to be forgotten
Risk
Surveillance

Given that cumulative download statistics inherently favour early publications over those publications that were made available more recently, it is to be expected that articles from early issues dominate the tables. Nevertheless, for us it is pleasing to see how these statistics include articles from all our years of publishing. It is also interesting to see how the top downloads include both articles on quite general topics and others dealing with more narrow ones. Some reoccurring themes include big data, government access to private-sector data (as noted, the topic of one of our special issues), and extraterritoriality (another one of our special issues—the statistics from which has not made it into this list as that special issue was recently published). It seems reasonable to suggest that these themes are unsurprising and that they correspond to some of the greatest challenges facing data privacy law.

Another way to look at the types of topics our authors have focussed on is to examine the keywords used for the articles we have published. Some of the most commonly used keywords (or variations of them) are provided in Table 3.<sup>1</sup>

**Table 4** Top 20 users of *IDPL* by country, April 2014–March 2015

	Country
1	Great Britain
2	United States
3	The Netherlands
4	Germany
5	Australia
6	China
7	Spain
8	Belgium
9	Canada
10	Italy
11	Norway
12	India
13	France
14	Japan
15	Hong Kong
16	Poland
17	Malaysia
18	Sweden
19	Switzerland
20	Ireland

There is a clear correlation between this list and the list of most downloaded articles. Again, the themes are perhaps unsurprising.

Our readers are found all over the world, with the list provided in Table 4 representing the top 20 countries.<sup>2</sup>

The dominance of European countries is probably understandable. However, we are devoted to our goal of being a truly international journal, and we are happy to note that 8 out of the top 20 user countries are non-European.

We are pleased that we continue to attract a steady flow of contributions from data privacy experts of the highest calibre, and feel confident that the high-quality contributions we publish in *International Data Privacy Law* will continue to be an important tool shaping the future of data privacy law.

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1 We have here left out keywords that simply relate to the topic of the journal, such as data protection, privacy, and data privacy.

2 Based on statistics for the period from April 2014 to March 2015.