

CYBERSECURITY, PRIVACY AND REGULATION

- PRINCIPLES AND PRACTICE

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Agenda

- A brief overview of the existing pan-European regulation (or draft regulation) on cybersecurity (including privacy in that respect)
- What are the basic principles underlying the various (and growing!) set of regulations?
- Do these principles form an appropriate basis for developing compliant practices in businesses and organisations?



A regulatory overview

- Existing regulation
 - Data Protection Directive
 - Telecoms regulation (Framework Directive, e-Privacy Directive)
 - Cybercrime Convention/Cybercrime Directive (the other side of the coin)
- Draft regulation
 - Data protection Regulation
 - Network and Information Security (NIS) Directive



Regulatory principles

- Overall principle: protection of **confidentiality, integrity and availability** of information systems and data (basis for both criminal and security regulation)
- Appropriate technical and organizational measures to manage the assessed security risk
- Personal data can be accessed only by authorized personnel for legally authorized purposes



Regulatory principles (continued)

- Notification (as a main rule within 24-72 hours) to the competent national authorities of security breaches and breaches of personal data
- Under certain conditions also notification of the data subject (or, for telcos, the subscriber) and/or the public at large
- The relevant authorities shall have the power to investigate cases of non-compliance and to impose penalties
- Security measures (imposed by member states) must comply with fundamental rights (freedom of information, right to privacy/protection of personal data etc.) and general EU law principles (e.g. proportionality)



Are the principles/regulation appropriate?

- Balanced (security measures must reflect the specific security risk)
- Flexible (legislative powers to some degree conferred to the Commission)
- Adequate?
- Efficient – also cross border?

