

Cybersecurity and human rights: A question of balance



Cybercrime arena v cybersecurity: short comparison

- Strong interferences with human rights and freedoms
- Well-developed conditions and safeguards on international level (Budapest Convention art. 15, ECHR, ICCPR, ...)
- (High) level of harmonization of national laws

CYBERCRIME INVESTIGATIONS /
PROSECUTION

- Less visible interferences with fundamental rights
- Lower level of harmonization of national laws
- Less developed conditions and safeguards

CYBERSECURITY



Cybersecurity and human rights

*Where and how do they
interact?*

Some examples of interaction

Due to the open nature of the concept of “cybersecurity”, its interaction with human rights can come in many different forms, for instance:

- Processing of personal data for cybersecurity purposes
- Monitoring communications
- Creating conditions for surveillance of communication networks
- Content filtering, blocking, removal
- ...

Where does interaction happen?

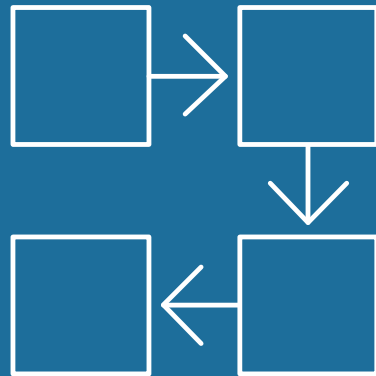


Legislators' role is critical: create adequate legal framework



Case study: Processing of IP addresses and personal data protection

1. Are IP addresses personal data?
2. Is their processing an “interference” with the right to personal data protection / privacy?
3. Is such processing regulated in the national level?
 - a) Are there any exceptions for cybersecurity operations or does the data protection law apply in full?
4. Is the national law compliant with international standards?
5. Is the processing of data legal in a particular case
 - a) What is the legal ground for data processing?
 - b) Can data subject exercise any subjective rights here?
 - c) Are there any limitations for data transfers (internally and internationally)?



Some practical
considerations

Some practical considerations

BEWARE OF VAGUE AND BROADLY AIMED NATIONAL STATUTES

BEWARE OF MIXED COMPETENCES

INVOLVE OTHER INSTITUTIONS (i.e. DPAs) and PRIVATE SECTOR

Thank you!

Questions?

