

## Solutions for a new economy

Many may have been aware of the trend of digital currency in recent time. None the less the rise of this in the emerging world has taken a leap forward.

September 7<sup>th</sup> was the date El Salvador officially recognised Bitcoin as legal currency. This poses a huge amount of growth within the economy jumping from a cash-based society into a newer system characterised by the frictionless, finger snapping efficiency of digital currency.

It remains to be seen on how and when the EU will catch up to the acceptance of this asset class. Cryptocurrency remains to stay, and it is worthwhile for our banks to take a further look into determine exactly where their attitudes on the subject should begin to thaw.



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## Should Social-Media Analysis be utilised in Law Enforcement?

A large portion of modern communication and analytic technologies are becoming developed enough that they are ever more accessible to the average law enforcement bodies. Social media analysis comprises of methods and tools used to gather and analyse texts, photos, video, and other material shared on social media systems, such as Facebook, Twitter, YouTube, Instagram, and Snapchat. Access and analysis of these technologies show potential in identifying halting threats of crime, investigating crimes, holding offenders liable as well as perceiving and efficiently responding to emergency situations. Simultaneously, law enforcement access to data found on social platforms raise concerns about, and ultimately demand protection of individual privacy, civil freedoms, and data privacy.

Thus, how do we reconcile the societal need to prevent and punish crime with our constitutional rights? Although there is legislation allowing for state surveillance when investigating a crime, the target of an investigation may feel their rights are being infringed upon. Researchers have advised that adopting a framework for providing computer security, privacy, and civil rights protections is vital when employing social media and network analysis. This framework would include data protections to ensure that legal justifications and information security are present during their usage. Analytic protections are important for ensuring the protection of findings and fair judicial outcomes. These protections on enforcement actions are there to ensure consistent and impartial actions and outcomes.

The upshot of this is; if all the lawful processes are followed, there should not be a legal issue in carrying out social media analysis and interception. The Courts most certainly have some ethical concerns regarding the use of more intrusive techniques, with Denham J commenting: "The Constitution has created a hierarchy of rights. The personal right protected in this case is an important right in that hierarchy. The applicant's right to a fair trial – constitutional procedures – is superior to the community's right to prosecute". Certain data collection techniques should be used in consideration of the crime being investigated, leaving the most intrusive techniques such as phone tapping and unadulterated collections of private information to extremely serious offences. One must ensure that the use of intrusive techniques is justified and cannot be deemed abusive.

## EYE ON IT

# The EU Stance on AI

Last April the European commission set out a new proposal to define the base for Artificial Intelligence called the Artificial Intelligence Act 2021.

The proposal divided AI into 4 main categories based on how much risk it could possibly pose on citizens.

Currently one of the hot topics in AI regulation is facial recognition. This would initially fall under the high-risk category; however, the European parliament has been divided with some suggesting a complete ban possibly due to its ethical and the legal questions it poses including military usage and authoritarian regimes on its use whereas others seem interested in a different take on it as it provides huge benefits of use against climate change, pandemics and in the labour market.

If the ethical risks are addressed, then it can show huge potential. It can encompass a managerial like functional entrusted to data-driven management models almost like "algorithmic bosses".

It does cause a huge risk of interference with a risk to workers' rights which is well beyond the realm of privacy where consistency and transparency will need to be ensured.

An AI Act can be seen as one piece of a complex, multidimensional jigsaw with the aim to uphold dataflow while guaranteeing citizens' rights are respected.



## Privacy rights based on Persuasive Spyware Technology

Privacy is a fundamental right that has long been enshrined within numerous human rights instruments. Although it is not explicitly guaranteed within our Constitution, the Irish Courts has adapted the right to privacy as an unenumerated right to privacy as a personal right in the Constitution since the age-old case of *McGee v Attorney General* [1974].

Our privacy is essential to our autonomy and to the protection of human dignity. It aids in establishing boundaries to limit those who are granted access to our bodies, places, and things as well as our communications and information.

Our personal data can come under attack from technology through the means of Spyware. This is loosely defined as a form of malicious software that has been designed to enter your computer device and gather information about you. It can then gather that information and has that power and ability to forward it to a third party without your permission.

This year our very own health care system was the victim of a ransomware attack along with NUI Galway shortly following suit with its own attempted cyber-attack. These attacks are getting more and more common.

The European Union plays a huge part in creating legal coverage for each member country citizens. They also amalgamate the laws they make whenever commonage is present.

The current regulations we have in Ireland fall under the data privacy which in the European Union is the General Data Protection Regulation (GDPR) and regulation on Privacy and Electronic Communications.

GDPR was created to enshrine Article 8 of the European Charter of Human Rights with respect to a person private life. It replaced the Data protection Directive 95/46/EC and now allows for the processing of ANY EU citizens information to be protected despite whether the information was processed within or outside the EU regardless of the retailer's location.

One most significantly includes the "right to be forgotten" is now regulated under GDPR and a right to data portability.

After years of negotiations, the EU has decided to replace the ePrivacy directive with the new and revamped ePrivacy regulation. The European Union's ePrivacy regulation (2002/58/EC) which enshrines Article 7 of the European Charter. This is in respect to a person's private life this makes it a requirement to protect an individual's privacy at every stage of each online interaction.

In recent days the Quinn family famously won the battle with google on their "right to be forgotten". This case resulted with a call on our data privacy to be reviewed.

Big Tech companies such as Google were given the power to assess individual cases to be delisted but with a lack of transparency sufficiently required when it affects the public body.

This adds to the complexity of transparency. Is the right to be forgotten the end for search engines as such. If someone can erase their past, then does that not conflict the right to know.

# CAREER INSIGHT IN LAW AND TECH

As many of you may have known, we had the pleasure of having Sorcha McKeown recently speak to us about her work as part of the Privacy Analyst team in Logitech.

Sorcha has recently graduated from Maynooth University after studying the LLB Program. Her topics of interest included Data and Technology Law, EU Law, Intellectual Property, Digital Economy and Media Law.

Her final Year research project focused on: An Asset and A Liability: Analysing the Legislation guiding Health Data Retention in Ireland, while gaining her 6 years' experience in handling patient information and data protection practices.

Logitech aims to help people create and communicate their passion and to work to the world. They are a global company with 2 offices in America, 3 in China and 2 in Europe one of which is the Cork office where Sorcha is primarily based.

Logitech's legal team specialize in several areas such as compliance, litigation, Intellectual Property and Privacy. With many roles in the likes of Legal Counsels, Paralegals, and Interns.

Within the privacy team, one of the tasks is assessing the privacy regulations in many jurisdictions as part of the Companies Global involvement. From GDPR in the EU to CCPA in California and PIPL in China, they ensure that every product is fully compliant with each jurisdictions legal requirements.

Working in Logitech offers an abundance in great benefits. Along with a competitive salary Logitech offers education support if you decided to continue further education.

They also offer employee discount on their products which range from earphones to computer hardware for those home offices. As well as medical coverage and pension fund Logitech offers a unique incentive called Logi wellness and Logithanks weekends to show support to their employees over all wellbeing.

Internships are welcomed in many departments including Business in their Cork office. You can keep an eye on vacancies on LinkedIn and connecting with their Talent Acquisition Jack O'Connell / Daria Printseva.

## Movies, TV and Books

### Netflix picks

#### Mitchells vs The Machines

This is a family friendly movie where a dysfunctional family must fight against a robot apocalypse in order to save humanity. This is a light-hearted and genuinely funny great that is great to watch and relax after study or exams.

#### The Social Dilemma

Is a documentary which reveals how social media is reprogramming civilization by manipulation and influence. It follows tech experts as they sound the alarm on their own creations.



### Books

**Last Chance to see**, by Douglas Adams and Mark Carwardin.

The author of this book takes you around the world to search for exotic and endangered creatures. It is a book of compassion, humility and humour a nice reminder to humanities existence as a species.

**The Last Trial**, by Scott Turow

This book follows the career of a criminal defense lawyer on the brink of retirement makes one last case to defend his old friend faced with charges of insider trading, fraud and murder that could jeopardies his lifelong career in medicine and as a

## This Month's top study tool/App

### Read & Write

Read and write is an app that helps to support your reading and writing. It allows you to collect your thoughts while you gather notes and materials with the help of multicoloured highlighters.

You can open a document in pdf and highlight the piece you like and it gathers all your highlighted content into a separate word document. It can then read the gathered notes back to you.

To learn more please contact Danielle in the society to assist you further about this.

### Inspiration 10

This is a fantastic app ideal for the planning and structuring stage of your study. It works in the means of mind mapping or diagrams to provide a visual form of note taking. It organizes and connects your ideas and concepts and allows you to critically evaluate them in various ways.





## Professional development

Why not try and develop your skills as students by taking part on one of the Free Virtual Internships that are offered online. These internships are a fantastic way to build your CV and gain crucial experience in the workplace environment.

To find out more on this please contact a member of the Society to assist you further.

## Upcoming events this November

- **Detective Chief Superintendent of the Cybercrime Bureau, Mr. Paul Cleary.**

Wednesday 17<sup>th</sup> of November 2021 at 4pm in the PCT (physics Chemistry Theatre)

An Garda Síochána are tasked with protecting the State against cyber-attacks. With 28 years of experience and Know-how Paul Cleary is no stranger to Dublin's inner-city. With an extensive knowledge in many areas such as the North Central Divisional Drugs Unit following on through the years to eventually becoming the Head of the Garda National Cyber Crime Bureau in 2020.

### Please feel free to contact us on any of the social media accounts with the link below:

MULIFE: <https://mulife.ie/society/legal-tech>

INSTAGRAM: <https://www.instagram.com/mulegaltech/>

TWITTER: [https://twitter.com/mu\\_legal](https://twitter.com/mu_legal)

YOUTUBE: <https://www.youtube.com/channel/UCIzFcGrwuOoQIEn0qVIFuGw>